

Cherry Creek Ely
United States Department of the Interior

L 3/21/01



BUREAU OF LAND MANAGEMENT
Ely Field Office
HC 33 Box 33500 (702 No. Industrial Way)
Ely, Nevada 89301-9408
<http://www.nv.blm.gov/Ely>

MULTIPLE GRAZING PERMITS

In Reply Refer To:
4120 (NV-042)
#274562

MAR 21 2001

Mr. Sterling Wines
P.O. Box 150813
Ely, NV 89301

*Antelope
HMA*

Dear Sterling:

Your signed "Acceptance of Terms and Conditions" agreement for the grazing privileges on the Cherry Creek Allotment (0403) and the Big Rock Seeding Allotment (0428) was received in March 2001. The Ely Field Office proposes to offer you a nine year term grazing permit for the period May 1, 2001 to February 28, 2010, corresponding to the ending date of your base property lease agreement with Mr. Gordon V. Foppiano.

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 and the Big Rock Seeding Allotment. **The interested publics are being asked to provide comments by April 6, 2001.**

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.

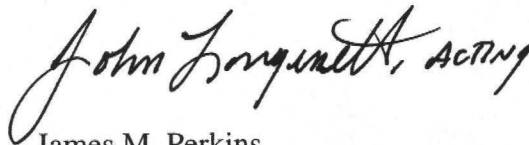
The terms and conditions outlined in the enclosed acceptance form for the Cherry Creek Allotment were those recommendations proposed in the Cherry Creek Allotment Evaluation. They are also consistent with the Egan Resource Area Record of Decision and the Egan Rangeland Program Summary. The impacts of livestock grazing under these terms and conditions have been analyzed in the Egan Resource Management Plan Environmental Impact Statement

An Environmental Assessment is currently being completed for issuance of this proposed term permit. The proposed grazing use is within the array of options identified for the alternatives and proposed action as 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.

If you have any questions, please contact John Longinetti, your assigned Range Management Specialist for the Cherry Creek Allotment and the Big Rock Seeding Allotment, at (775) 289-1887.

Sincerely,

A handwritten signature in cursive script that reads "John Longinetti, Acting".

James M. Perkins
Assistant Field Manager
Renewable Resources

1 Enclosure

1. Acceptance of Terms and Conditions

**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)

I agree to place 145 AUMs of my current permitted use of 497 AUMs on the Cherry Creek Allotment native range into voluntary non-use for conservation purposes for a period of ten years beginning March 1, 2001. The Cherry Creek Allotment livestock grazing privileges of 145 AUMs will remain on the term grazing permit in voluntary non - use. Permitted use on the South Egan Seeding will be increased by 100 AUMs.

In accordance with 43 CFR 4130.3-1, livestock grazing use on the Cherry Creek Allotment will be authorized as follows.

Permittee	Number of Cattle	Season of Use	Permitted AUMs	AUMs in Voluntary	
				Non-Use	Pasture
Sterling Wines	35*	05/01 - 02/28**	352	145	Native
	29*	05/01 - 07/15	73		South Egan Seeding
	12*	09/01 - 02/28	74		South Egan Seeding

Total permitted use..... 499

* Livestock numbers are flexible as long as permitted use is not exceeded during the authorized season of use.

** The total number of AUMs licensed can not exceed 10% of total permitted use on native range between May 1 to May15. Therefore, a maximum of 35 AUMs can be used between May 1 to May 15 on native range.

I also agree to the following terms and conditions, which will be included in the new term grazing permit.

1. Total permitted use in the South Egan Seeding is 634 AUMs allocated to all three permittees. A rotation grazing system has been established on the South Egan Seeding. Grazing is authorized in the spring during odd numbered years. The season of use in the spring is May 1 to July 15. Grazing is authorized in the fall every year. Season of use in the fall is from September 1 to February 28. Water hauling is required in the seeding to achieve proper livestock distribution.

2. 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.

3. When rangeland monitoring studies indicate sufficient additional forage is available and objectives are being met, temporary non-renewable (TNR) grazing will be issued. TNR grazing authorization issued in the South Egan Seeding will be initially offered to the three permittees with adjudicated AUMs in the seeding. If any or all three of these permittees are unable to make TNR use, the other Cherry Creek Allotment permittees will be encouraged to make application for TNR use in the South Egan Seeding.

4. 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.

5. As in reference to the Northeastern Great Basin Area, management practices are adequate when significant progress is being made toward the standards. When management practices are not adequate, and may result in inadequate livestock distribution, water hauling or other changes in management practices will be required. Water hauling will be determined by the authorized officer in cooperation with the livestock permittees on an annual basis.

Terms and conditions 6 through 9 apply to all permitted users in the Cherry Creek Allotment. Water hauling maybe required to the following locations:

6. The sagebrush plant communities on the east facing benches of the Cherry Creek Range generally west of the Salvi Ranch.

7. Slough Well No. 3 (about 4 miles north of Cherry Creek, Nevada) will be repaired and pumped and troughs filled to distribute cattle use. Water hauling to the area is required if the well will not work.

8. The northeast portion of the allotment.

9. The Woodcamp Pasture east of Highway 93.

Big Rock Seeding Allotment (0428)

Total permitted use is 62 Aums. A spring/fall rotation grazing system has been established for 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.

Additional Stipulations Common To All Grazing Allotments

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

If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Failure to make payment within 30 days of the due date may result in trespass action.

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.

"Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use. 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."

Grazing 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 subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.

Signed:

Sterling Wines
Sterling Wines

3-14-01
Date

ACCEPTANCE OF TERMS & CONDITIONS and REQUEST FOR GRAZING PERMIT

I, George Irlbeck, agree to accept the Terms & Conditions listed below and request that I be offered a Grazing Permit to graze the allotment in which I have a grazing preference.

ALLOTMENT Number Name		LIVESTOCK Number & Kind		PASTURE	GRAZING PERIOD Begin End		% PL	Type Use	AUMs
0403	Cherry Creek	102*	Cattle	Native	05/01	02/28	100	A	1,027**
		9*	Cattle	Goshute Sdng. West	05/01	02/28	100	A	93
		18*	Cattle	Goshute Sdng. East	05/01	06/15	100	A	28
		5*	Cattle	Goshute Sdng. East	09/01	02/28	100	A	29

* Livestock numbers are flexible as long as permitted use is not exceeded during the authorized season of use.

** The total number of AUMs licensed can not exceed 10% of total permitted use on native range between May 1 to May 15. Therefore, a maximum of 103 AUMs can be used between May 1 to May 15 on native range.

Other Terms and Conditions:

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:

1. Turner and Irlbeck Ranch agrees to place 423 AUMs of their current permitted use of 1,450 AUMs on the Cherry Creek Allotment native range into voluntary non-use for conservation purposes for a period of ten years beginning March 1, 2001. The Cherry Creek Allotment livestock grazing privileges of 423 AUMs will remain on the term grazing permit in voluntary non - use.
2. The total permitted use on the Goshute Seeding is 459 AUMs allocated to all three permittees. The Goshute Seeding is divided into two pastures: the east pasture and the west pasture. Turner and Irlbeck Ranch's permitted use in the east pasture is 57 AUMs and permitted use in the west pasture is 93 AUMs. (Total permitted use in the Goshute Seeding for Turner and Irlbeck Ranch is 150 AUMs.)
A spring/fall season of use will be established for the east pasture of the Goshute Seeding.

Spring use is authorized from May 1 to June 15. Fall use is authorized from September 1 to February 28. The season of use for the west pasture of the Goshute Seeding is May 1 to February 28. Water hauling is required in the west pasture to achieve proper livestock distribution.

3. The Cherry Creek Allotment is a common use allotment. The permittees have utilized historical grazing areas. 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.

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

5. As in reference to the Northeastern Great Basin Area, management practices are adequate when significant progress is being made toward the standards. When management practices are not adequate, and may result in inadequate livestock distribution, water hauling or other changes in management practices will be required. Water hauling will be determined by the authorized officer in cooperation with the livestock permittees on an annual basis.

Terms and conditions 6 through 9 apply to all permitted users in the Cherry Creek Allotment. Water hauling maybe required to the following locations:

6. The sagebrush plant communities on the east facing benches of the Cherry Creek Range generally west of the Salvi Ranch.

7. Slough Well No. 3 (about 4 miles north of Cherry Creek, Nevada) will be repaired and pumped and troughs filled to distribute cattle use. Water hauling to the area is required if the well will not work.

8. The northeast portion of the allotment.

9. The Woodcamp Pasture east of Highway 93.

Additional Stipulations Common to all Grazing Allotments

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

If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Failure to make payment within 30 days of the due date may result in trespass action.

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.

"Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use. 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."

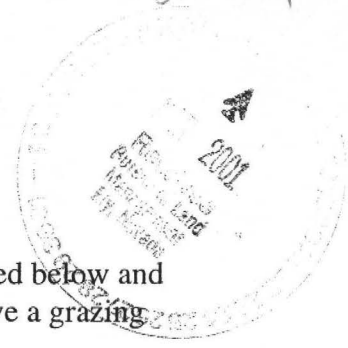
Grazing will be in accordance with the Northeastern Great Basin Area Standards and Guidelines for grazing administration as developed by the Northeastern Great Basin Resource Advisory Council and approved by the Secretary of the Interior on February 12, 1997.

Jurner & Irlbeck Ranches
Signed: George L. Irlbeck
George Irlbeck

Date: 3/16/2001

Ely

est. 2001



ACCEPTANCE OF TERMS AND CONDITIONS REQUEST FOR GRAZING PERMIT

We, Indian Creek Ranch Partnership, agree to accept the Terms and Conditions listed below and request that we be offered a Grazing Permit to graze the allotments in which we have a grazing preference.

TERMS AND CONDITIONS:

Cherry Creek Allotment (0403)

We agree to place 179 AUMs of our current permitted use of 613 AUMs on the Cherry Creek Allotment native range into voluntary non-use for conservation purposes for a period of ten years beginning March 1, 2001. The Cherry Creek Allotment livestock grazing privileges of 179 AUMs will remain on the term grazing permit in voluntary non - use.

Upon completion and approval of the grazing transfer to Mr. Carol Sherman, and in accordance with 43 CFR 4130.3-1, livestock grazing use on the Cherry Creek Allotment will be authorized as follows.

Permittee	Number of Cattle	Season of Use	Permitted AUMs	AUMs in Voluntary	
				Non-Use	Pasture
Indian Creek Ranch Part.	43*	05/01 - 02/28 **	434	179	Native
	8*	05/01 - 02/28	84		Goshute Sdng. West
	16*	05/01 - 06/15	25		Goshute Sdng. East
	4*	09/01 - 02/28	26		Goshute Sdng. East
Total permitted use.....			569		

* Livestock numbers are flexible as long as permitted use is not exceeded during the authorized season of use.

** The total number of AUMs licensed can not exceed 10% of total permitted use on native range between May 1 to May15. Therefore, a maximum of 43 AUMs can be used between May 1 to May 15 on native range.

We also agree to the following terms and conditions, which will be included in the new term grazing permit.

1. The total permitted use on the Goshute Seeding is 459 AUMs allocated to all three permittees. The Goshute Seeding is divided into two pastures: the east pasture and the west pasture. Permitted use in the east pasture is 51 AUMs and permitted use in the west pasture is 84 AUMs. (Total permitted use in the Goshute Seeding for Indian Creek Ranch Partnership is 135 AUMs.) A spring/fall season of use will be established for the east pasture of the Goshute Seeding.

Spring use is authorized from May 1 to June 15. Fall use is authorized from September 1 to February 28. The season of use for the west pasture of the Goshute Seeding is May 1 to February 28. Water hauling is required in the west pasture to achieve proper livestock distribution.

2. The Cherry Creek Allotment is a common use allotment. The permittees have utilized historical grazing areas. 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.

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

4. As in reference to the Northeastern Great Basin Area, management practices are adequate when significant progress is being made toward the standards. When management practices are not adequate, and may result in inadequate livestock distribution, water hauling or other changes in management practices will be required. Water hauling will be determined by the authorized officer in cooperation with the livestock permittees on an annual basis.

Terms and conditions 5 through 8 apply to all permitted users in the Cherry Creek Allotment. Water hauling may be required to the following locations:

5. The sagebrush plant communities on the east facing benches of the Cherry Creek Range generally west of the Salvi Ranch.

6. Slough Well No. 3 (about 4 miles north of Cherry Creek, Nevada) will be repaired and pumped and troughs filled to distribute cattle use. Water hauling to the area is required if the well will not work.

7. The northeast portion of the allotment.

8. The Woodcamp Pasture east of Highway 93.

Goshute Basin Allotment (0402)

Indian Creek Ranch Partnership agrees to take full voluntary non-use on the Goshute Basin Allotment for conservation purposes for a period of three years beginning March 1, 2000 and ending February 28, 2003. The Goshute Basin Allotment active cattle grazing privileges will thus remain on the Indian Creek Ranch Term Grazing Permit in voluntary non - use.

In accordance with 43 CFR 4130.2 and 4130.3, cattle grazing use will be authorized as follows. Upon completion and approval of the grazing transfer to Mr. Carol Sherman, this authorization will be included in the new term grazing permit.

From:

<u>Permittee</u>	<u>Number of Cattle</u>	<u>Season of Use</u>	<u>Permitted AUMs</u>
Indian Creek Ranch Partnership	48	07/01 - 09/01	99

To:

<u>Permittee</u>	<u>Number of Cattle</u>	<u>Season of Use</u>	<u>Permitted AUMs</u>
Indian Creek Ranch Partnership	0	07/01 - 09/01	0 (Voluntary non - use)

Range Improvements

In addition, Indian Creek Ranch Partnership agrees to maintain a 1/3 section (their fair share) of the Goshute Basin/Indian Creek Allotment boundary fence on an annual basis, beginning with the 2000 grazing year. A new cooperative agreement for range improvements for the fence will be prepared for this purpose.

Indian Creek Allotment (0401)

Indian Creek Ranch Partnership agrees to take voluntary non-use on a portion of their grazing permit (61 AUMs) on the Indian Creek Allotment for conservation purposes for a period of three years beginning March 1, 2001 and ending February 28, 2004. Indian Creek Allotment cattle grazing privileges of 61 AUMs will thus remain on the Indian Creek Ranch Term Grazing Permit in voluntary non - use.

In accordance with 43 CFR 4130.3-1, cattle grazing use will be authorized as follows. Grazing use will be authorized every other year. Year 1 (2001 grazing year) will be grazed. Upon completion and approval of the grazing transfer to Mr. Carol Sherman, this change in the terms and conditions will be included on the term grazing permit

<u>Permittee</u>	<u>Number of Cattle</u>	<u>Season of Use</u>	<u>Permitted AUMs</u>	<u>AUMs in Voluntary Non - Use</u>
Indian Creek Ranch Partnership	22	07/01 - 08/31*	45	61

* Cattle would be gathered and removed from the allotment by 8/15. Due to the rugged condition of the area, all stragglers will be removed by 09/01.

Range Improvements

In addition, Indian Creek Ranch Partnership agrees to maintain a 1/3 section (their fair share) of

the Goshute Basin/Indian Creek Allotment boundary fence on an annual basis. A new cooperative agreement for range improvements for the fence will be prepared for this purpose.

Additional Stipulations Common To All Grazing Allotments

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


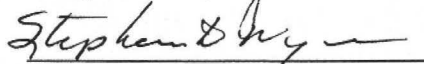
If payment is not received within 15 days of the due date, you will be charged a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250.00. Failure to make payment within 30 days of the due date may result in trespass action.

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.

"Livestock numbers identified in the Term Grazing Permit are a function of seasons of use and permitted use. 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."

Grazing 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 subpart 4180 - Fundamentals of Rangeland Health and Standards and Guidelines for grazing administration.



Stephen & Vicki Nye
Indian Creek Ranch Partnership

3-12-01
Date