

m 9/5/91



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Ely District Office  
HC33 Box 150  
Ely, Nevada 89301-9408



IN REPLY REFER TO:

4700/4160  
(NV-046)

SEP 05 1991

Commission for the Preservation  
of Wild Horses and Burros  
c/o Kathy Barcomb, Executive Director  
Stewart Facility  
Capitol Complex  
Carson City, NV 89710

Dear Ms. Barcomb:

A letter was sent to you on August 16, 1991 informing you of the out-of-court settlement (stipulation) proposal with Reed Robison and Western Farm Credit Bank.

The main purpose of the consultation letter was to solicit your comments and/or recommendations on the out-of-court settlement proposal.

Based on your written comments, the Schell Resource Area has scheduled a consultation meeting to address your concerns on September 12, 1991. The meeting will be held at the Nevada State Office, 2:00 p.m., conference room A.

Your involvement in the management of public lands on the Chin Creek Allotment is appreciated and we look forward to your future support.

Sincerely yours,

Gerald M. Smith, Manager  
Schell Resource Area



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE  
HC33 BOX 150  
ELY, NEVADA 89301-9408



IN REPLY REFER TO:

4160  
(NV-046)

**AUG 16 1991**

CERTIFIED MAIL NO. P776 533  
RETURN RECEIPT REQUESTED

See Attached List

Dear :

Enclosed for your information is an out-of-court settlement (stipulation) proposal with Reed Robison and Western Farm Credit Bank.

On July 16, 1990 a Notice of Final Multiple Use Decision for The Chin Creek Allotment was sent to all affected interests. The aforementioned decision was appealed by Reed Robison (permittee) on August 13, 1990 and one lien holder (Western Farm Credit Bank) on August 24, 1990.

On June 19, 1991 our office received an out-of-court settlement proposal from Reed Robison through his attorney. Subsequent to receipt of Reed Robison's out-of-court settlement proposal, several negotiation meetings have taken place.

The primary side boards placed on our negotiations with Reed Robison and his representatives were: (1) any out-of-court settlement must be as good or better for the natural resources than the present decision, (2) negotiations must remain within the original scope of the livestock decision and the appeals by both parties, and (3) affected interests be informed through consultation on the settlement prior to our approval.

The terms and conditions as stipulated in the out-of-court settlement in conjunction with the decision are expected to make progress towards accomplishment of the long term multiple use objectives for the Chin Creek Allotment. The stipulation initiates

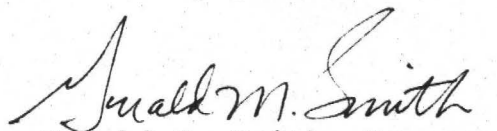
the management actions necessary to improve resource conditions as identified in the allotment evaluation i.e. implement grazing system to rest Antelope Valley (North and South Pastures) during the critical spring growth period.

The enclosed stipulation to withdrawal both appeals has been signed by Reed Robison's attorney and has been sent to Western Farm Credit Bank for their consideration. Our Solicitor will not sign the enclosed stipulation until my staff and I have had a chance within the specified time period below to complete the consultation process with affected interest groups.

The main purpose of this consultation letter is to solicit your comments and/or recommendations on the enclosed out-of-court settlement proposal within the next 15 days. Based on written and verbal comments from affected interests, the Schell Resource Area may schedule a consultation meeting on September 12, 1991 at the Nevada State Office in Reno Nevada. Therefore, in addition to your comments, please notify me, or Bill Coulloudon of my staff, whether you could attend such a meeting on September 12, 1991.

In closing I would like to say that my staff and I have appreciated your past involvement in the Chin Creek Allotment Evaluation and look forward to your future support.

Sincerely yours,

  
Gerald M. Smith, Manager  
Schell Resource Area

Certified Mail No.

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P 776 533 774

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U.S. Department of the Interior  
2800 Cottage Way, Room E-2753  
Sacramento, CA 95825-1890

P 776 533 776

Natural Resources Defense Council  
C/O Ms Johanna H. Wald  
71 Stevenson, Suite 1825  
San Francisco, CA 94105

P 776 533 777

Sierra Club  
C/O Ms. Rose Strickland  
Public Lands Committee of the  
Toiyabe Chapter of the Sierra Club  
619 Robinson Ct.  
Reno, NV 89502

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Larry Barngrover  
Regional Superintendent  
Nevada Department of Wildlife  
Region II  
1375 Mountain City Highway  
Elko, NV 89801

P 776 533 779

Intermountain Federal Land Bank  
Association  
C/O Ray Connelly  
P.O. Box 2124  
Elko, NV 89801

P 776 533 780

Mr. Alan Noble  
Zion's First National Bank  
Commercial Loan Dept.  
P.O. Box 25822  
Salt Lake City, UT 84125

P 776 533 781

Jody Pescio, Secretary  
Nevada State Grazing Board  
P.O. Box 1087  
Ely, NV 89301

P 776 533 782

United States Fish and Wildlife Service  
C/O Richard Navarre  
4600 Kietzke Lane, Bldg. C-125  
Reno, NV 89502

P 776 533 783

University of Nevada Reno  
Dept. of Range, Wildlife & Forestry  
Attn: Dr. J. Wayne Burkhardt  
1000 Valley Road  
Reno, NV 89512

P 776 533 784

State of Nevada  
Dept. of Agriculture  
Attn: Thomas W. Ballow  
P.O. Box 11100  
Reno, NV 89510-1100

P 776 533 785

Nevada Outdoor Recreation Association  
C/O Charles S. Watson  
P.O. Box 1245  
Carson City, NV 89701

P 776 533 786

Resource Concepts, Inc.  
340 N. Minnesota St.  
Carson City, NV 89702

P 776 533 787

Commission for the Preservation  
of Wild Horses and Burros  
C/O Kathy Barcomb, Executive Director  
Stewart Facility  
Capitol Complex  
Carson City, NV 89710

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Wild Horse Organized Assistance  
C/O Dawn Lappin  
P.O. Box 555  
Reno, NV 89504

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Animal Protection Institute of America  
Nancy Whitaker, Program Assistant  
P.O. Box 22505  
Sacramento, CA 95822

P 776 533 790

Nevada Cattlemen's Assn.  
419 Railroad St.  
Elko, NV 89801

P 776 533 791

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JOHN W. BURKE, III  
Regional Solicitor  
Pacific Southwest Region  
Burton J. Stanley  
U.S. Department of the Interior  
2800 Cottage Way, Rm. E-2753  
Sacramento, CA 95825

UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF HEARINGS AND APPEALS  
HEARING DIVISION

Reed B. Robison,	)	NV-04-90-5
Appellant	)	
v.	)	
BUREAU OF LAND MANAGEMENT,	)	
Respondent	)	
.....	)	.....
WESTERN FARM CREDIT BANK,	)	NV-04-90-11
Appellant	)	
v.	)	
BUREAU OF LAND MANAGEMENT	)	
Respondent	)	STIPULATION TO WITHDRAWAL APPEALS

The undersigned parties hereby stipulate that the above appeals (NV-04-90-05) and (NV-04-90-11) be withdrawn and the matter remanded to the Bureau of Land Management (BLM) upon the following terms and conditions:

The Bureau will manage the Chin Creek Allotment in accordance with the Notice of Final Multiple Use Decision dated July 16, 1990 with the following modifications.



1. The Bureau will restore that portion of the permittee's active preference that was suspended by the decision dated July 16, 1990 in return for the permittee agreeing to take a minimum of 44% nonuse for resource conservation/protection purposes until the authorized officer determines through monitoring data that active use may resume.

2. The Bureau commits to work on wild horse management in the entire Antelope Wild Horse Herd Management Area, i.e., physical boundaries, availability of water, migration routes, etc.

3. Authorized livestock use will be as follows for the Chin Creek

Allotment:

Total Preference	Active Preference	Suspended Preference	Active Use	Nonuse	Voluntary Nonuse
13,245	13,115	130	7,372	5,743	189

Use Area	No.	Kind	Period of use	%PD	Active	Nonuse	Voluntary Nonuse
Spring Valley	3,600	S	04/15-06/15	100	1,468	779(CP)	178(V)
	1,000	S	06/16-07/15	100	198		
Antelope Range	1,000	S	07/16-09/19	100	434	2,446(CP)	5(V)
Black Hills	1,000	S	09/20-10/31	100	277		
	1,043	S	11/01-04/30	100	1,242	442(CP) <sup>1/</sup>	6(V)
Antelope Valley	718	C	11/01-05/31	100	3,564	2,076(CP) <sup>2/</sup>	
Total =					7,183	5,743	189(V)

<sup>1/</sup> Active authorized use in the Black Hills use area not to exceed 1,525 AUMs. A temporary season of use from 09/20 to 10/31 is in effect for the interim period until the AMP is developed.

<sup>2/</sup> Use in Antelope Valley shall not exceed 5 months as stipulated below under number 4.

(CP) Nonuse for Conservation/Protection of the Federal range.

(V) Regular Voluntary Nonuse which can be activated on an annual basis by the livestock operator.

At the beginning of each grazing season flexibility within the terms and conditions of the grazing permit will be determined through an

1 annual field inspection by the permittee and Bureau of Land Management.  
2 Any flexibility must be consistent with the accomplishment of the  
3 multiple-use-objectives for the Chin Creek allotment.

4  
5 4. An interim three pasture deferred-rotation grazing practice is in  
6 effect for Antelope Valley use area.

7  
8 Antelope Valley Use Areas

9 Antelope Valley Allotment (Elko)

10 North Pasture (Ely)

11 South Pasture (Ely)

12  
13 Treatments

14 A: 718 Cattle 11/01 to 01/15 100% = 1,794 AUMs

15 B: 718 Cattle 01/16 to 03/31 100% = 1,770 AUMs

16 C: 718 Cattle 04/01 to 05/31 100% = 1,440 AUMs

17 5,004 AUMs

18  
19 Grazing Formula

Year	<u>South Pasture</u>	<u>North Pasture</u>	<u>Antelope Valley Allot</u>
1	A	B	C
2	C	A	B
3	B	C	A

20  
21  
22  
23 In a given year two pastures will receive two and a half months winter  
24 grazing use and one pasture will receive a maximum of two months of



1 spring grazing use. A light grazing use prescription (35% on winterfat)  
2 will be applied to all three pastures to improve resource conditions in  
3 the Antelope Valley Use Area. The grazing formula set forth above may be  
4 modified by agreement of the parties during any given grazing year.  
5 Permittee shall haul water during the dry period for the Antelope Valley  
6 Allotment at Bureau designated haul sites until permanent water sources  
7 are developed.

- 8
- 9 5. Until such time as an allotment management plan is developed and  
10 management facilities are installed in the Spring Valley use area the  
11 1,080 AUMs of active cattle use will be converted to sheep AUMs.
- 12 6. BLM stipulates that the maximum season of use is 11/01 through 05/31  
13 in the Antelope Valley Use Area. Permittee agrees to move off the  
14 allotment prior to 05/31 should the authorized officer determine,  
15 after consultation with the permittee, that meadow grasses on  
16 permittee's private lands reach 6" in height.
- 17 7. The Bureau, the permittee, and any other interested parties will  
18 jointly participate in the conduct of an intensive five year  
19 monitoring program which considers all rangeland users. BLM may  
20 utilize monitoring data provided by the permittee and/or any other  
21 affected interests if done in accordance with BLM standards.
- 22 8. The Bureau agrees to target development of an Allotment Management  
23 Plan (AMP) for the Chin Creek Allotment within the next three years  
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1 if sufficient funding and manpower are available. The AMP will address  
2 the administration of both the Elko and Ely District Allotments under one  
3 District's administration and management. The AMP process will consider  
4 development of a cross fence on the Badlands Allotment in the Elko  
5 District. The AMP will be developed utilizing all available information  
6 (i.e., existing as well as new information gathered) through consultation  
7 with the permittee and other affected interests.

8 9. The Bureau will initiate the three year coordinated planning process  
9 with all affected interests concerning the development of the  
10 Antelope Range drift fence and the extension of the Antelope Valley  
11 north-south pasture cross fence (JDR #4522) to control grazing  
12 distribution.

13 10. There will be an informal annual end of the grazing season review  
14 including all affected interests of the resource conditions,  
15 management strategies, monitoring data collected, season of use, and  
16 actual use for all users. The Bureau will prepare a written annual  
17 summary through consultation with the permittee and other affected  
18 interests.

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11. Upon Elko District (Wells Resource Area) completion of the allotment evaluation process and multiple use decision for the Antelope Valley Allotment, these documents will be incorporated for use in the development of the AMP and may be used to amend the current decision and/or this stipulated settlement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
BURTON J. STANLEY  
Attorney for Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
JOHN MARVEL, ESQ.  
Attorney for Appellant Robison

\_\_\_\_\_  
Date

\_\_\_\_\_  
JAMES CONNELLY, ESQ.  
Attorney for Appellant  
Western Farm Credit Bank