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BUREAU OF LAND MANAGEMENT

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

> In Reply Refer To: 4150

SEP. 0 1 2000

Case Files: Malin F. Gardner Ron & Lorrie Green Bradley K. Guymon Thomas L.& Warren Williams (NV-045.01)

Malin F. Gardner HC 76 Box 45 Beryl, Utah 84714

Ron and Lorrie Green P.O. Box 384

Bradley K. Guymon 396 N. 500 W. Alamo, Nevada 89001 Cedar City, Utah 84720 Thomas L. and Warren Williams

250 South 100 West Cedar City, Utah 84720

Dear Respective Permittees:

Your applications for the transfer of grazing privileges have been received by this office. These include Crestline Allotment (Malin F. Gardner), Lower Lake West and Pahranagat East Allotments (Ron and Lorrie Green), Bennett Springs and Black Canyon Allotments (Bradley K. Guymon), and Bennett Springs, Black Canyon and Klondike Allotments (Thomas L. and Warren Williams), respectively. All allotments are Category "C" allotments with the exception of Pahranagat East which is Category "M". The signed "Acceptance of Terms and Conditions" forms were also received.

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 of Terms and Conditions form will be sent to individuals, groups and organizations that have expressed an interest in the management of livestock grazing on the aforementioned allotments.

You meet all of the qualifications as grazing permittees, outlined in 43 CFR §4110.1, and this offering and issuance of each permit complies with the regulations governing issuance of permits outlined in 43 CFR §4110.2-1, §4110.2-2, and §4110.3-2.

The terms and conditions outlined in the enclosed acceptance forms, with respect to each allotment, are those which have historically appeared on previous annual licenses and permits authorizing grazing use within each of the allotments. The terms and conditions outlined are also consistent with the Caliente Management Framework Plan (MFP) and Caliente Final Grazing Environmental Statement (ES).

Environmental Assessments are in the process of being completed for issuance of each of the proposed term grazing permits. The proposed grazing use is within the array of options identified for the alternatives and proposed actions analyzed in the Caliente ES.

The Bennett Springs, Black Canyon and Klondike Allotments are located within the Highland Peak Wild Horse Herd Management Area (HMA). Desert Tortoise Habitat exists on the Pahranagat East and Lower Lake West Allotments.

If we proposed to change the terms and conditions of any of the proposed grazing permits, following the comment period, we will keep the affected permittee and other interested parties informed. If we determine that it is necessary to offer any of you a permit via proposed decision, the decision will be sent to the interested public and will include a 15-day period for protest and a 30-day period for appeal.

With respect to this letter, the interested public is being asked to provide comments by September 15, 2000. Any comments in writing should be sent to James M. Perkins, Assistant Field Manager-Renewable Resources, at the letterhead address.

If you have any questions please contact Domenic A. Bolognani, Rangeland Management Specialist, at (775) 726-8124. If you would prefer to discuss this matter in person, please call to arrange an appointment, so that we may respond to any question you have.

Sincerely,

James M. Perkins

Assistant Field Manager

Renewal Resources

1 Enclosure

1. Acceptance of Terms and Conditions Offer

cc:

See Attachment

ATTACHMENT 1

ACCEPTANCE OF TERMS AND CONDITIONS AND REQUEST FOR GRAZING PERMIT

I, <u>Malin F. Gardner</u> agree to accept the Terms and Conditions listed below and request that I be offered a Grazing Permit to graze the following allotment(s) in which I have a grazing preference: _Crestline Allotment_.

ALLOTMENT NAME	PERMITTEE	KIND OF LIVESTOCK	SEASON OF USE	% PUBLIC LAND	PER ACTIVE	MINTED USE HISTORICALLY SUSPENDED
Crestline Allotment	Malin Gardner	Cattle	3-1 to 2-28	100	55	485

- 1. The payment of grazing fees are due on the due date specified on the grazing fee bill. Failure to pay the grazing fee bill within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.
- Applications for changes in grazing use must be in written form and received by the Bureau of Land Management Office no later than 15 days prior to the desired date of change. Applications for changes in grazing use which require the issuance of a replacement or supplemental billing notice shall be subject to a ten (10) dollar service charge.
- 3. Grazing applications will be issued on a yearly basis, if you do not sign and return your grazing application by the date specified on the application you will receive a bill for all of your active livestock grazing permitted use. If you wish to place all or a portion of your active livestock grazing use into non-use for the grazing year, you must indicate this in writing on your grazing application, along with your reasons.
- 4. Signed Actual Use Statements are due annually to the Caliente Resource Area Office within 15 days after completing annual grazing use. In the case of year round grazing, Actual Use Statements must be received in our office by March 15.
- 5. The term Federal grazing permit is subject to cancellation, suspension, or modification for any violation of the Code of Federal Regulations or specified terms or conditions of this permit.
- 6. 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 vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

7. Grazing use will be accordance with the Mojave-Southern Great Basin Area standards and guidelines for grazing administration as developed by the Mojave-Southern Great Basin Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR §4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Signed: Malint Dardnes

Date: 8/5/00

ACCEPTANCE OF TERMS AND CONDITIONS AND REQUEST FOR GRAZING PERMIT

I, Ron and Lorrie Green agree to accept the (7) Terms and Conditions listed below and request that I be offered a Grazing Permit to graze the allotment(s) in which I have a grazing preference as listed:

Lower Lake West and Pahranagat East Allotments

Allotment	Livestock Number	Kind	Period of Use	Active Grazing Use (AUMs)	% Public Land
Lower Lake West	54	Cattle	Yearlong	647	100

Allotment	Livestock (Number	Kind	Period of Use	Active Grazing Use (AUMs)	% Public Land
Pahranagat East	12	Cattle	8/1 - 5/31	120	100

- 1. The payment of grazing fees are due on the due date specified on the grazing fee bill. Failure to pay the grazing fee bill within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.
- 2. Applications for changes in grazing use must be in written form and received by the Bureau of Land Management Office no later than 15 days prior to the desired date of change. Applications for changes in grazing use which require the issuance of a replacement or supplemental billing notice shall be subject to a ten (10) dollar service charge.
- 3. Grazing applications will be issued on a yearly basis, if you do not sign and return your grazing application by the date specified on the application you will receive a bill for all of your active livestock grazing permitted use. If you wish to place all or a portion of your active livestock grazing use into non-use for the grazing year, you must indicate this in writing on your grazing application, along with your reasons.
- 4. Signed Actual Use Statements are due annually to the Caliente Resource Area Office within 15 days after completing annual grazing use. In the case of year round grazing, Actual Use Statements must be received in our office by March 15.
- The term Federal grazing permit is subject to cancellation, suspension, or modification for any violation of the Code of Federal Regulations or specified terms or conditions of this permit.
- 6. 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 vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

7. Grazing use will be accordance with the Mojave-Southern Great Basin Area Standards and Guidelines for grazing administration as developed by the Mojave-Southern Great Basin 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: mall a. She farie 6. Leen Date: 8-21-00

SPECIFIC TERMS AND CONDITIONS FOR THE NEW FEDERAL GRAZING PERMIT

Lower Lake West Allotment

- 1. Grazing will be permitted in accordance with grazing Prescription 2 identified in the Opinion as amended.
- 2. Grazing prescription areas within your allotment are delineated on Attachment 1, titled Lower Lake West Allotment Map.
- 3. Livestock grazing use shall be authorized in the Lower Lake West allotment from 03/01 through 02/28 in the Prescription 2 area and Non-Prescription area as identified in the following table and Attachment 1.

SPECIFIC USE AREAS AND IDENTIFIED PERIODS OF USE

PRESCRIPTION	SEA	ASON OF USE
AREAS 1	BEGIN DATE	END DATE
Prescription 2 2	03/01	02/28
Non-Prescription	03/01	02/28

^{1&#}x27; Refer to Attachment 1.

- 4. All vehicle use in desert tortoise habitat within the Lower Lake West 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 in the Lower Lake West 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 2 area.

² Prescription 2, Tortoise Habitat Category III non-intensive.

EXISTING KEY AREAS, SPECIES AND ALLOWABLE USE LEVELS

KEY AREA &		PRESCRIPTION	
LEGAL DESCRIPTION	KEY SPECIES	10/15 TO 02/28	03/01 TO 10/14
2 (T.7S., R.60E., Sec.25, NE1/4)	Galleta grass Nevada Ephedra Bud sagebrush Spiny hopsage	≤ 50 % ≤ 45 % ≤ 45 % ≤ 45 %	≤ 40 % ≤ 40 % ≤ 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 2 area.

ALLOTMENT NAME	PRESCRIPTION		E LEVELS AND USE ZING PRESCRIPTION
LOWER LAKE WEST	PRESCRIPTION 2	03/01 - 10/14	10/15 - 02/28
WEST		All Perennial Species - ≤40%	Key Perennial Grasses - <50% Key Perennial Shrubs and Forbs - <45%

- 10. When the allowable use levels are reached for the Prescription 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. 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.
- 12. Grazing Applications will be issued on a yearly basis showing all grazing use as active by Prescription 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).
- 13. A statement of Actual Grazing Use made on the Lower Lake West allotment by grazing Prescription area 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.

SPECIFIC TERMS AND CONDITIONS FOR THE NEW FEDERAL GRAZING PERMIT

Pahranagat East Allotment

 Grazing will be permitted in accordance with grazing Prescription 1 identified in the Opinion as amended.

- 2. Grazing prescription areas within your allotment are delineated on Attachment 2, titled Pahranagat East Allotment Map.
- Livestock grazing use shall be authorized in the Pahranagat East allotment from 08/01 through 02/28 in the Prescription 1 area and 08/01 through 05/31 in the non-Prescription area as identified in the following table and Attachment 2.

SPECIFIC USE AREAS AND IDENTIFIED PERIODS OF USE

PRESCRIPTION AREAS V		OF USE DATE
Prescription 1 2	08/01	02/28
Non-prescription	08/01	05/31

PRefer to Attachment 2.

- 4. All vehicle use in desert tortoise habitat within the **Pahranagat East 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 as a minimum shall be used for monitoring purposes in the Pahranagat East 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 areas.

² Prescription 1, Tortoise Habitat Categories I, II, and Intensive III.

EXISTING KEY AREAS, SPECIES AND ALLOWABLE USE LEVELS

KEY AREA &			TION 1	
LEGAL DESCRIPTION	KEY SPECIES	08/01 TO 10/14	10/15 TO 02/28	03/01 TO 05/31
2 (T.9S., R.70E., Sec. 16, W1/2)	Winterfat Big galleta	≤ 40% ≤ 40%	≤ 40% ≤ 50%	No livestock use will be made during this period.

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 areas.

ALLOTMENT NAME	PRESCRIPTION	ALLOWABL GRAZING	E USE LEVELS AND US PRESCRIPTION	SE PERIODS PER
PAHRANAGAT	PRESCRIPTION 1	08/01 - 10/14	10/15 - 02/28	03/01 - 05/31
EAST		All Perennial Species - ≤40%	Key Perennial Grasses - ≤50% Key Perennial Shrubs and Forbs - ≤40%	No livestock use will be allowed during this period.

- 10. When the allowable use levels are reached for the Prescription 1 area, 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 Pahranagat East allotment to prevent livestock from continually migrating into the Prescription 1 area during the period 03/01 through 05/31. 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 August 1, 1992, 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 that are turned out/authorized on the Pahranagat East 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 you will be removing your livestock by May 31, 1992 as a normal part of your operation, I have extended the date to ear tag all your cattle to August 1, 1992. This will keep you from having to round up your cattle prior to March 1, 1992 and then again about three (3) months later. 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 05/31/92 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 ear 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 Caliente Resource Area Manager.
- 15. Any livestock found in the Prescription 1 area during the period of 03/01 through 05/31 shall be relocated to the 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 05/31 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 05/31 and which were previously recorded and relocated to the Non-Prescription area shall be removed from the Pahranagat East 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 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 Pahranagat East allotment by grazing Prescription area 1 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.

ACCEPTANCE OF TERMS AND CONDITIONS AND REQUEST FOR GRAZING PERMIT

I,	Bradley K. Guymon	agree to accept the Terms and Conditions listed below and
reque	st that I be offered a Grazing Pe	ermit to graze the following allotment(s) in which I have a grazing
prefe	rence:	
Be	nnett Springs and Black Canyor	Allotments

Allorment	Livestock Number	Kind	Period of Use	Active Grazing Use (AUMs)	% Public Land
Bennett Spring	1,538	Sheep	10/16 - 4/30	1,992	100
Black Canyon	593	Sheep	10/16 - 4/30	670	100

- 1. The payment of grazing fees are due on the due date specified on the grazing fee bill. Failure to pay the grazing fee bill within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.
- 2. Applications for changes in grazing use must be in written form and received by the Bureau of Land Management Office no later than 15 days prior to the desired date of change. Applications for changes in grazing use which require the issuance of a replacement or supplemental billing notice shall be subject to a ten (10) dollar service charge.
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- 4. Signed Actual Use Statements are due annually to the Caliente Resource Area Office within 15 days after completing annual grazing use. In the case of year round grazing, Actual Use Statements must be received in our office by March 15.
- 5. The term Federal grazing permit is subject to cancellation, suspension, or modification for any violation of the Code of Federal Regulations or specified terms or conditions of this permit.
- 6. 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 vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
- Grazing use will be accordance with the Mojave-Southern Great Basin Area standards and guidelines
 for grazing administration as developed by the Mojave-Southern Great Basin Advisory Council and
 approved

by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR §4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Signed Markley Cypron

Date: lug/8, 2000

ACCEPTANCE OF TERMS AND CONDITIONS AND REQUEST FOR GRAZING PERMIT

I,	Thomas L. Williams	agree to accept the Terms and Conditions listed below and
request	that I be offered a Grazing	Permit to graze the following allotment(s) in which I have a very
grazing	g preference:	

Bennett Springs, Black Canyon and Klondike Allotments	gs. Black Canvon and Klondike Allotments	
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Allotment	Divestock Number	i kinol	Period to tuse	Agity GPRing Use	% Public Land
Bennett Springs	1,165	Sheep	10/16 - 2/28	1,506	100
Black Canyon	260	Sheep	10/16 - 2/28	335	100
Klondike	525	Sheep	10/16 - 2/28	678	100

- 1. The payment of grazing fees are due on the due date specified on the grazing fee bill. Failure to pay the grazing fee bill within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.
- 2. Applications for changes in grazing use must be in written form and received by the Bureau of Land Management Office no later than 15 days prior to the desired date of change. Applications for changes in grazing use which require the issuance of a replacement or supplemental billing notice shall be subject to a ten (10) dollar service charge.
- 3. Grazing applications will be issued on a yearly basis, if you do not sign and return your grazing application by the date specified on the application you will receive a bill for all of your active livestock grazing permitted use. If you wish to place all or a portion of your active livestock grazing use into non-use for the grazing year, you must indicate this in writing on your grazing application, along with your reasons.
- 4. Signed Actual Use Statements are due annually to the Caliente Resource Area Office within 15 days after completing annual grazing use. In the case of year round grazing, Actual Use Statements must be received in our office by March 15.
- 5. The term Federal grazing permit is subject to cancellation, suspension, or modification for any violation of the Code of Federal Regulations or specified terms or conditions of this permit.
- 6. 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 vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

7. Grazing use will be accordance with the Mojave-Southern Great Basin Area standards and guidelines for grazing administration as developed by the Mojave-Southern Great Basin Advisory Council and approved by the Secretary of the Interior on February 12, 1997. Grazing use will also be in accordance with 43 CFR §4180 - Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration.

Signed: Thomas L- Williams

Date: 8-25-2000