



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office
HC 33 Box 33500
Ely, Nevada 89301-9408



IN REPLY REFER TO:

4160 (NV-046)

JUN - 7 1994

Dear Participant:

This letter is to inform you that Matt Bulloch's and Frank Delmue's appeal of the Livestock Portion of the Final Multiple Use Decision (FMUD) for the Wilson Creek Allotment has been settled in accordance with the enclosed stipulation. Attached is a copy of this settlement agreement for your review. The Bureau of Land Management feels that the stipulations of this settlement agreement will help to meet the multiple use objectives for the Wilson Creek Allotment. Some of these stipulations are as follows:

- 1) The permittees agree to run livestock numbers in accordance with the FMUD at the 5th year adjustment level.
- 2) The season of use for the Dry Lake Valley use area, Patterson Seedings, Meadow Valley Seedings, and Thorley use area have been modified to provide livestock permittees some flexibility as approved by the authorized officer regarding livestock moves.
- 3) Turn on dates were delayed by two weeks in the Patterson seedings, Meadow Valley Seedings, and the Thorley use area.
- 4) The BLM will work with the permittees to consider the feasibility of developing certain rangeland improvement projects.

We appreciate your participation in the BLM decision process. If you have any comments regarding this settlement agreement please respond within 7 working days from the receipt of this letter. You may write or call Bill Coulloudon or Bryan Fuell of my range staff at (702) 289-4865.

Sincerely,

Gerald M. Smith, Manager
Schell Resource Area

Enclosure

1. Settlement Agreement

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
Hearings Division
6432 Federal Building
Salt Lake City, UT 84118
801/534-5344

In re:

The Appeal, Matt Bulloch and)
Frank Delmas.) NV-04-93-01
) STIPULATION TO WITHDRAW
) APPEAL

The undersigned parties hereby stipulate and agree that the above appeal (NV-04-93-01) will be withdrawn and the matter will be remanded to the Bureau of Land Management (BLM) for compliance with the following conditions:

The BLM will manage the Wilson Creek Allotment in accordance with the BLM Final Multiple Use Decision (FMUD) dated November 5, 1992 with the following modifications:

1. Permittees agree to run livestock numbers in accordance with the FMUD at the 5th year adjustment level. The nonuse AUMs specified in the FMUD may be activated upon approval by the authorized officer through the multiple use decision process. The authorized officer will determine the monitoring studies to be conducted based upon funding and manpower in careful and considered consultation, cooperation and coordination with the permittees. Data will be gathered annually and evaluated at the end of the 5th year (02/28/99). The permittees will be given the opportunity to review this re-evaluation in accordance with Bureau policy and procedures. A decision will be made by the BLM at that time to either maintain or adjust the active use,

modify grazing practices, and/or modify the terms and conditions of the grazing permits. As provided for by BLM regulations, the permittees and other affected interests shall have the right to appeal any decisions issued by the BLM following the allotment re-evaluation.

2. The BLM stipulates that the season of use for the Dry Lake Valley Use Area is 11/01 through 04/15. One weeks flexibility on either side of the end date will be considered during annual use authorizations for Dry Lake Valley to allow for approximately one-half (1/2) of the livestock to be removed by 04/15 and the remainder within one week.

3. The BLM stipulates that the begin date for the Patterson Seedings will be 4/16. One weeks flexibility on either side of the begin date will be considered during annual use authorizations for the Patterson Seedings to allow for cattle coming off the winter range early.

4. The Patterson Seedings will continue to be grazed under a spring/summer or fall rest rotation grazing system. The first pasture will be grazed from 4/16 to 6/30. The use of the second pasture will be allowed upon seed dissemination on any given year. Should this phenological requirement not be met by 7/1 of that year, livestock will be moved to the Mt. Wilson Burn upon authorization by the authorized officer. The second pasture could then be grazed from 9/1 to 10/31.

The stocking rate for each pasture of the Patterson Seedings is as follows: Pony - 1,728 AUMs, Craw Creek - 818 AUMs, 15-Mile - 1,136 AUMs and 21-Mile - 1,176 AUMs.

Matt Bulloch's and Frank Delmue's active preference in the Patterson Seedings are 395 AUMs and 1,034 AUMs, respectively. The following table shows the grazing schedule for the Patterson Seedings, and the AUMs available to each permittee in any given year.

TREATMENTS	1995-1996	1996-1997	1997-1998
SPRING 1/ Matt Bulloch Frank Delmue	15-MILE 92 AUMs 241 AUMs	21-MILE & CRAW CREEK 163 AUMs 427 AUMs	PONY 140 AUMs 366 AUMs
SUMMER or FALL 1/ Matt Bulloch Frank Delmue	PONY 140 AUMs 366 AUMs	15-MILE 92 AUMs 241 AUMs	21-MILE & CRAW CREEK 163 AUMs 427 AUMs
REST 1/ Matt Bulloch Frank Delmue	21-MILE & CRAW CREEK 163 AUMs 427 AUMs	PONY 140 AUMs 366 AUMs	15-MILE 92 AUMs 241 AUMs

- 1/ SPRING TREATMENT is from 4/15 to 6/30.
 SUMMER TREATMENT is from seed dissemination to 8/31.
 FALL TREATMENT is from 9/1 to 10/31.
 REST is no grazing during that year.

5. The Meadow Valley Seedings will continue to be grazed under a spring/fall rest rotation grazing system with a spring treatment from 4/16 to 6/30. The permittees will have the flexibility to graze more livestock for a shorter period of use during the spring treatment (i.e., 4/16 to 5/31) in the Meadow

Valley Seeding. Cattle may be moved to the Burnt Canyon Chaining as early as 5/15, and grazed there until 6/30. Water must be made available and pasture fences maintained when cattle are in the Burnt Canyon Chaining.

The stocking rate for each pasture of the Meadow Valley Seedings is as follows: White Rock - 850 AUMs, Meadow Wash - 646 AUMs, and Willow Wash - 579 AUMs.

Matt Bulloch's and Frank Delmue's active preference in the Meadow Valley Seedings are 191 AUMs and 506 AUMs, respectively. The following table shows the grazing schedule for the Meadow Valley Seedings, and the AUMs available to each permittee in any given year.

TREATMENTS	1995-1996	1996-1997	1997-1998
SPRING 1/ Matt Bulloch Frank Delmue	MEADOW WASH 60 AUMs 158 AUMs	WILLOW WASH 53 AUMs 141 AUMs	WHITE ROCK 78 AUMs 207 AUMs
FALL 1/ Matt Bulloch Frank Delmue	WHITE ROCK 78 AUMs 207 AUMs	MEADOW WASH 60 AUMs 158 AUMs	WILLOW WASH 53 AUMs 141 AUMs
REST 1/ Matt Bulloch Frank Delmue	WILLOW WASH 53 AUMs 141 AUMs	WHITE ROCK 78 AUMs 207 AUMs	MEADOW WASH 60 AUMs 158 AUMs

- 1/ SPRING TREATMENT is from 4/15 to 6/30.
FALL TREATMENT is from 8/15 to 10/31.
REST is no grazing during that year.

6. The fall treatment for the Meadow Valley Seedings will be from 08/15 to 10/31. During the two weeks, from 8/15 to 9/1,

not more than 25% of the livestock authorized on the Summer Native Range will be allowed to be placed in the Meadow Valley Seedings. Permittees must have prior authorization from the authorized officer before turning any livestock into the Meadow Valley Seedings during the early fall use.

7. If livestock drift becomes a problem in the future between either the Brown Spring or Miller Use Areas and the Summer Native Range the BLM will consider development of drift fence(s) in consultation with the permittees.

8. BLM agrees to modify the beginning date for the Thorley Use Area from 10/01 to 10/15.

9. BLM agrees to target completion of project planning for riparian restoration in the Dalsue Burn Pasture during Fiscal Year 1994.

10. The BLM agrees to work in careful and considered consultation, cooperation and coordination with the permittees to consider the feasibility of developing the following range improvements:

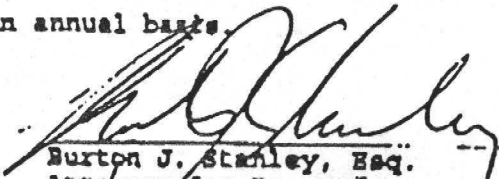
- a. Twenty-one (21) Mile Pipeline,
- b. White Rock Seeding Pipeline,
- c. Fifteen (15) Mile Pipeline Extension, and
- d. Vegetation treatments to create additional spring forage within the Patterson Seeding Use Area.

11. The NLM stipulates that the use in the Bull Pasture will be calculated on a percentage basis, and this use will be as follows:

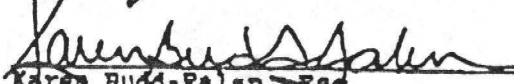
Matt Bulloch (16.2%)	18 AUMs
Ken Lytle (20.5%)	23 AUMs
Gordon Lytle (20.5%)	23 AUMs
<u>Frank Dalgue (42.8%)</u>	<u>48 AUMs</u>
Total	112 AUMs

12. All flexibility identified above must be approved in advance by the authorized officer on an annual basis.

6/7/94
Date


Burton J. Stanley, Esq.
Attorney for Respondent

6/3/94
Date


Karen Hudd-Palen, Esq.
Attorney for Appellants,
Matt Bulloch and Frank Dalgue