



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office

HC33 Box 150

Ely, Nevada 89301-9408



IN REPLY REFER TO:

~~OHIO CREEK DISTRICT~~

in Antelope HMA

4160
(NV-046)

OCT 04 1991

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

Dear Ms. Lappin:

Enclosed with this cover letter is a copy of the Administrative Law Judge's (ALJ) order dismissing the hearing proceedings for both appellants, Reed Robison and Western Farm Credit Bank. In addition to the ALJ's order, a copy of the signed stipulation is also enclosed.

The matter has now been remanded back to the Bureau of Land Management upon the terms and conditions set forth in the stipulation.

If you have any questions, please feel free to contact me or Bill Coulloudon of my staff, at (702) 289-4865.

Sincerely,

Alfred W. Coulloudon
Acting for

Gerald M. Smith, Manager
Schell Resource Area

Enclosures



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

Hearings Division
6432 Federal Building
Salt Lake City, Utah 84138
(Phone: 801-524-5344)

September 25, 1991

Stamp: BUREAU OF LAND MGMT ELY, NEVADA RECEIVED SEP 26 1991. Includes a table with columns RT, OFFICE, INIT, DATE and a Comments section.

ORDER

REED B. ROBISON,) NV-04-90-5
Appellant) Appeal from the Area
v.) Manager's Final Multiple
BUREAU OF LAND MANAGEMENT,) Use Decision dated July 16,
Respondent) 1990, Schell Resource Area,
WESTERN FARM CREDIT BANK,) Ely District, Nevada
Appellant) NV-04-90-11
v.) Appeal from the Area
BUREAU OF LAND MANAGEMENT,) Manager's Notice of Final
Respondent) Multiple Use Decision dated
July 16, 1990, Schell
Resource Area, Ely
District, Nevada

Proceedings Dismissed

The parties have filed Stipulation to Withdraw the Appeals in each of the above captioned consolidated cases and requested therein that the matter be remanded to the Bureau of Land Management upon terms and conditions set forth in said Stipulation.

Now, being fully advised in the premises, it is ORDERED:

The Stipulation referred to above is fully approved and the above captioned cases are each DISMISSED.

Dated: September 25, 1991

Signature of Ramon M. Child
Ramon M. Child
Administrative Law Judge

Distribution
By Certified Mail:

John E. Marvel, Esq.
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P.O. Box 2645
Elko, Nevada 89801-2645

James C. Connelly
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Burton J. Stanley, Esq.
Office of the Regional Solicitor
U.S. Department of the Interior
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Sacramento, California 95825-1890

By Regular Mail:

Reed B. Robison
Spring Valley Route
Ely, Nevada 89301

Natural Resources Defense Council
c/o Ms. Johanna H. Wald
71 Stevenson, Suite 1825
San Francisco, California 94105

Sierra Club
c/o Ms. Rose Strickland
Public Lands Committee of the
Toiyabe Chapter of the Sierra Club
619 Robinson Ct
Reno, Nevada 89502

Larry Barngrover
Regional Superintendent
Nevada Department of Wildlife
Region II
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Intermountain Federal Land Bank
Association
c/o Ray Connelly
P.O. Box 2124
Elko, Nevada 89801



United States Department of the Interior

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IN REPLY
REFER TO:

OFFICE OF THE SOLICITOR
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SEP 19 1991

OFFICE OF HEARINGS & APPEALS
HEARINGS DIVISION
SALT LAKE CITY, UTAH

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BLM.PS.7295/7296

September 17, 1991

The Honorable Raymon D. Child
Administrative Law Judge
Office of Hearings and Appeals
Hearings Division
6432 Federal Building
Salt Lake City, UT 84138

Re: Reed Robison, Western Farm Credit Bank v.
Bureau of Land Management, NV-04-90-05,
NV-04-90-11.

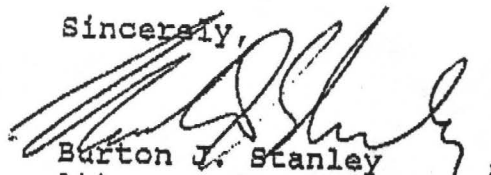
Dear Judge Child:

Enclosed is a Stipulation to Withdraw the above-captioned appeals executed by the attorneys for all parties.

We would appreciate your removing these matters from your October 8, 1991 calendar and dismissing the related appeals.

Thank you very much for your kind patience in allowing the parties the opportunity to arrive at this settlement.

Sincerely,


Burton J. Stanley
Attorney for Respondent

cc: John Marvel, Esq.
James C. Connolly

RECEIVED

SEP 19 1991

OFFICE OF HEARINGS & APPEALS
HEARINGS DIVISION
SALT LAKE CITY, UTAH

1 JOHN W. BURKE, III
2 Regional Solicitor
3 Pacific Southwest Region
4 Burton J. Stanley
5 U.S. Department of the Interior
6 2800 Cottage Way, Rm. E-2753
7 Sacramento, CA 95823

8 UNITED STATES DEPARTMENT OF THE INTERIOR

9 OFFICE OF HEARINGS AND APPEALS

10 HEARING DIVISION

11 Reed B. Robison,) NV-04-90-5

12 Appellant)

13 v.)

14 BUREAU OF LAND MANAGEMENT,)
15 Respondent)

16)
17 WESTERN FARM CREDIT BANK,) NV-04-90-11

18 Appellant)

19 v.)

20 BUREAU OF LAND MANAGEMENT)

21 Respondent)

22 STIPULATION TO WITHDRAWAL APPEALS

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

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

- 1 1. The Bureau will restore that portion of the permittee's active
- 2 preference that was suspended by the decision dated July 16, 1990 in
- 3 return for the permittee agreeing to take a minimum of 44% nonuse for
- 4 resource conservation/protection purposes until the authorized
- 5 officer determines through monitoring data that active use may resume.
- 6 2. The Bureau commits to work on wild horse management in the entire
- 7 Antelope Wild Horse Herd Management Area, i.e., physical boundaries,
- 8 availability of water, migration routes, etc.
- 9 3. Authorized livestock use will be as follows for the Chin Creek
- 10 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) ^{1/}	6(V)
Antelope Valley	718	C	11/01-05/31	100	3,564	2,076(CP) ^{2/}	
			Total =		7,183	5,743	189(V)

^{1/} 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.

^{2/} 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
24
25
26
27

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.

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

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9/17/91
Date

Burton J. Stanley
BURTON J. STANLEY
Attorney for Respondent

8/6/91
Date

John E. Marvel
JOHN MARVEL, ESQ.
Attorney for Appellant Robison

9-3-91
Date

Sharon A. Frame
~~JAMES CONNELLY, ESQ.~~ SHARON A. FRAME, ESQ.
Attorney for Appellant
Western Farm Credit Bank