

L 6-5-01



United States Department of the Interior

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:
4120
(NV-042)

JUN 5 2001

Mr. Peter Goicoechea
P.O. Box 97
Eureka, NV 89316

Dear Mr. Goicoechea,

Your grazing permit/lease No. 274555, for the Railroad Pass Allotment was previously issued for the period from 03/01/97 to 03/01/07, however, the permit dates are not consistent with the signed livestock grazing agreement for the Railroad Pass Allotment received April 12, 2001. The current term permit identified adjustments in livestock use which were achieved through agreement as included in the Notice of Final Multiple-Use Decision for the Railroad Pass Allotment and effective for the period 03/01/96 to 02/28/01. I propose to issue a new term grazing permit for a period of five years from 03/01/01 to 02/28/06 and to approve the livestock grazing agreement. The term grazing permit is being issued for another five year period because standards were recently identified as not being met through Railroad Pass monitoring data collected in January 2001. Changes in grazing management are being implemented to meet those standards. These changes are being implemented through the five year Livestock Grazing Agreement for Railroad Pass Allotment. The terms and conditions outlined in the enclosed livestock grazing agreement are those which were developed through an agreement and are for implementation of changes in livestock grazing use on the Railroad Pass Allotments accepted April 1, 2001. The terms and conditions associated with the grazing schedule are the same as those in the previous term permit. This term permit will be issued until February 28, 2006 to coincide with the signed grazing agreement. The Bureau of Land Management is currently taking actions required to process the issuance of your permit/lease.

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 livestock grazing agreement will be sent to individuals, groups or organizations that have expressed an interest in the management of livestock grazing on the Railroad Pass Allotment.

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 are 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 and Final Environmental Impact Statement. In

addition, the terms and conditions for the Railroad Pass Allotment are in accordance with the terms and conditions identified in the Final Multiple Use Decision issued in 1995.

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 Grazing Environmental Impact Statement.

Railroad Pass Allotment is located within the Diamond Hills South Wild Horse Herd Management Area.

If we propose to change the terms and conditions of this 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 and will include a 15-day period for protest and a 30-day period for appeal.

The interested public is being asked to provide comments by June 19, 2001. Any comments in writing should be sent to James M. Perkins, Assistant Field Manager-Renewable Resources at the above address.

If you have any questions please contact Ryan Pitts, Rangeland Management Specialist, at (775) 289-1800. If you would prefer to discuss this matter in person, please call to set up an appointment with us so that we may respond to any questions you may have.

Sincerely,



James M. Perkins
Assistant Field Manager
Renewable Resources

Enclosure(s) 1:

1. Livestock Grazing Agreement (5 pp)

cc: Mr. Bill Wilson, White Pine County Public Land Users Advisory Committee
Mr. David Provost, White Pine County Commissioner
Eureka County Natural Resource Department
Mr. Steve Foree, Nevada Division of Wildlife
Mr. Lee Tilman
Mrs. June Sewing, National Mustang Association
Mr. Jerry Millett, Duckwater Shoshone Tribe
Mr. Paul Clifford
Nevada Cattlemen's Association
Mr. John McLain, Resource Concepts, Inc.
Dr. Tom Sanders, DVM, White Pine Conservation District
Nevada State Clearinghouse, Wild Horse Commission
U. S. Fish and Wildlife Service
Ms. Catherine Barcomb, Commission for the Preservation of Wild Horses

LIVESTOCK GRAZING AGREEMENT RAILROAD PASS ALLOTMENT

The purpose of this agreement is to continue with the adjusted stocking levels authorized since March 1, 1996 and as identified in the 1995 Notice of Final Multiple Use Decision for the Railroad Pass Allotment. This agreement applies only to cattle use on the native range and does not effect sheep use. The agreed upon changes in cattle use, as documented below, are made in order to achieve the multiple use resource objectives and Northeastern Great Basin Area Standards for grazing administration specifically related to the authorized use on the Railroad Pass Allotment. Changes are being made to improve the health of upland vegetation communities and to improve the overall grazing management of the entire allotment. This agreement was prepared in consultation with the undersigned permittee(s).

The Railroad Pass Evaluation indicated that the major resource problem was overutilization of key species by cattle and wild horses. A review of monitoring data conducted in January 2001 indicates that overutilization is continuing over the allotment. This is primarily attributed to the wild horse population. (See Table1)

The total stocking level on the native range of the Railroad Pass Allotment for cattle use will continue at 1364 AUMs for a period of 5 years beginning March 1, 2001. The remainder of the cattle permitted use, (947 AUMs) will be placed in voluntary nonuse. The period of use will continue to be 06/01 to 9/30.

The BLM and the permittees agree to work cooperatively to pursue the opportunity for prescribed burning and vegetative treatments to improve forage availability and habitat requirements for livestock, wild horses and all sagebrush obligate species including the sagegrouse. The BLM agrees to conduct a task force site inspection of the northeastern portion of the Railroad Pass Allotment during the spring and summer of 2001 to determine site potential for prescribed burning and vegetative treatment. If it is determined that prescribed burning is appropriate for the site and will achieve habitat objectives it is the goal of the Ely Field Office to conduct a prescribed burn during 2002 or 2003. The permittees also agree to a two year rest period following the burn for reestablishment of the vegetation.

Terms and Conditions of Authorized Use

Permitted use for cattle on the Railroad Pass Allotment will continue as follows for the five year period March 1, 2001 to February 28, 2006. In accordance with 43 CFR 4130.3-1 and 4130.3-2, the following terms and conditions will be included in the term permit.

Permittee	Number/Kind of Livestock	Period of Use	Permitted Use	Voluntary Nonuse
Peter & Julian Goicoechea	75 C	06/01 - 09/30	300	211
Harold Rother Farms, Inc.	265 C	06/01 - 09/30	1064	736

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

The following rest rotation grazing system will continue for cattle grazing on the Railroad Pass Allotment as follows:

Pasture	Year 1 Schedule	Year 2 Schedule
North of Drift Fence	06/01 - 09/30	Rest
South of Drift Fence	Rest	06/01 - 09/30
The rotation schedule will be repeated following year 2 and year 4. Deviation from this schedule will be allowed following the burn or vegetative treatment to allow for re-establishment of the vegetation.		

Additional Terms and Conditions:

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

The payment of your grazing fees is due on or before the date specified in the grazing bill. This date is generally the opening date of your allotment. If payment is not received with 15 days of the due date, you will be charged a late fee assessment of \$25 or 10 percent of the grazing bill, whichever is greater, not to exceed \$250. Payment with Visa, MasterCard Or American Express is accepted. 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 for each allotment. 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 use 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.

Monitoring Program

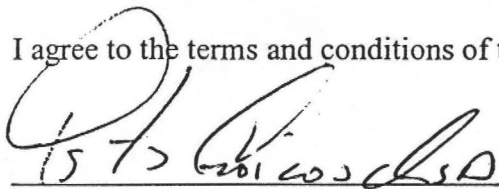
During the five year period of this agreement, the BLM will monitor the Railroad Pass Allotment for progress toward achievement of the standards. The BLM will also monitor the burn area to determine if authorized grazing use can resume. The permittees will be encouraged to participate in monitoring. Specific rangeland monitoring studies may include proper functioning condition riparian studies, cover studies, ecological condition studies, key forage plant method utilization transects, use pattern mapping, frequency trend, or observed apparent trend.

Evaluation

Grazing use and stocking levels will be evaluated both during the five year period of the agreement and in the year 2006. The evaluation will determine consistency with and achievement of the standards for grazing administration and the allotment specific objectives. Based upon the findings of the evaluation conducted during 2006, a new term grazing permit will be issued. The permit will be issued through an agreement or decision, or in accordance with the current regulations at that time.

SIGNATURES

I agree to the terms and conditions of this agreement.



Peter & Julian Goicoechea

4-24-01

Date

Harold Rother
Harold Rother Farms, Inc.

Date

James M. Perkins
Assistant Field Manager
Renewable Resources

Date

Table 1

Diamond Hills South HMA		
DATE	ACTION TAKEN/REMOVAL	POPULATION
10/95		147 horses (censused)
2/96	89 horses (Ely district only)	
10/96		375 horses(censused)
8/97	364 horses (entire complex)	
9/97		86 horses(estimated)
9/98		103 horses(estimated)
9/99		59 horses(censused)
10/99	6 horses	
3/00		122 horses(censused)
9/00		145 horses(estimated)

*All estimates include a 20% increase from the previous year's census attributed to foaling.

Note: entire complex includes Ely, Battle Mountain and Elko districts

AML=22