



United States Department of the Interior

Bureau of Land Management
Winnemucca District Office
1500 E. Winnemucca Blvd.
Winnemucca, Nevada 89445

4/11/96

2: Rock

In reply refer to:
4110.2-3
(NV-026.1)

April 11, 1996

CERTIFIED MAIL NO. P383115253
RETURN RECEIPT REQUESTED

NOTICE OF ASSISTANT DISTRICT MANAGER'S PROPOSED DECISION

Roy and Bea Hall
P.O. Box 218
Golconda, NV 89414

Dear Mr. and Mrs. Hall:

I have reviewed your request for transfer of grazing privileges of the Pumpernickel and Rock Creek Allotments. I have determined that you are a qualified applicant and that the above listed allotments are designated as available for livestock grazing through the Sonoma-Gerlach Management Framework Plan.

I have further determined that the Terms and Conditions which you are offered are appropriate to achieve the management and resource condition objectives for the allotments and that they will ensure conformance with 43 CFR 4180 (Fundamentals of Rangeland Health). Both allotments are in the process of evaluating management actions and should be completed this year. At this time your term permit will be offered for a year to allow for completion of the evaluations. Once the Final Multiple Use Decisions are finalized, I will issue you a 10 year permit reflecting the technical recommendations of the Multiple Use Decisions.

In the mean time, my proposed decision is to offer you the attached Grazing Permit.

Rationale:

The Code of Federal Regulations require (43 CFR 4130.2(a)) that, "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

43 CFR 4130.3 states that, "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and

resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

Authority: The authority of this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.08 "The authorized officer shall manage livestock grazing on public lands under the principles of multiple use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.05(b)."

4130.2(a) "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to 4130.3, 4130.31, and 4130.32"

4130.2(b) "The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested publics prior to the issuance or renewal of grazing permits and leases.

4130.3 "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

4130.31(a) "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

4130.32 "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

4160.1(a) "Proposed decisions shall be served on any affected applicant, permittee, or lessee and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modification relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent certified to the interested publics."

4160.2 "Any applicant, permittee, lessee, or other affected interests may protest the proposed decisions under Sec. 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision."

Protests:

Any applicant, permittee, lessee, or other affected interests may protest the proposed decisions under Sec. 43 CFR 4160.1, in person or in writing to:

Colin P. Christensen
Assistant District Manager, Renewable Resources
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become my final decision .

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal under 43 CFR 4160.4, § 4.21 and § 4.470. The appeal and petition for stay must be filed in the office of the authorized officer, noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

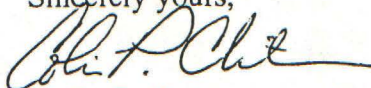
Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

If you have any questions, please contact Rich Adams at (702) 623-1500.

Sincerely yours,



Colin P. Christensen, Assistant District Manager
Winnemucca District

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE NV
OFFICE 026
OPERATOR NUMBER 272021
PREFERENCE CODE 03
DATE PRINTED 03/28/96
TERM 03/01/1996 TO 02/28/1997

GRAZING PERMIT

HALL, ROY & BEA

ROY HALL
P.O. BOX 218
GOLCONDA, NV 89414

BUREAU OF LAND MANAGEMENT
SONOMA-GERLACH R.A.
705 EAST 4TH STREET
WINNEMUCCA, NV 89445

THIS GRAZING PERMIT IS OFFERED TO YOU BASED ON YOUR RECOGNIZED GRAZING PREFERENCE ON THE PUBLIC LANDS AND/OR OTHER LANDS ADMINISTERED BY THE BLM. YOU ARE AUTHORIZED TO MAKE GRAZING USE TO THE EXTENT OF YOUR ACTIVE GRAZING PREFERENCE AS SHOWN BELOW UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS INCORPORATED HEREIN AND YOUR PAYMENT OF GRAZING FEES.

ALLOT ----- PASTURE -----	LIVESTOCK		GRAZING PERIOD		TYPE		AUM"S -----
	NUMBER	KIND	BEGIN	END	%PL	USE	
00101 ROCK CREEK	549	CATTLE	05/01	10/31	66	ACTIVE	2192
00116 PUMPERNICKLE	212	CATTLE	03/01	05/08	97	ACTIVE	466
	212	CATTLE	11/11	02/28	97	ACTIVE	744

TERMS AND CONDITIONS:

ONLY CATTLE BEARING BLM ISSUED EARTAGS WILL BE ALLOWED TO GRAZE IN THE PUMPERNICKLE AND ROCK CREEK ALLOTMENTS. THE COLOR WILL BE SPECIFIED ON THE BILL STIPULATIONS. LINE 02 IS TO BE GRAZED IN ACCORDANCE WITH THE ROCK CREEK AMP AND IN ACCORDANCE WITH THE AGREEMENT SIGNED ON DECEMBER 13, 1988. ALL USE IN THE DIAMOND S ALLOTMENT SHALL BE USED FOR TRAILING AND BE BASED ON 51 AUMS ON YOUR INTERMINGLED DEEDED LANDS AND A TRAILING APPLICATION FILED WITH THE BLM. ACTUAL USE REPORTS ARE DUE 15 DAYS AFTER COMPLETING YOUR GRAZING USE. NO SALT AND/OR MINERAL BLOCKS SHALL BE PLACED WITHIN ONE QUARTER MILE OF SPRINGS, MEADOWS, STREAMS, RIPARIAN HABITATS, OR ASPEN STANDS. IN THE EVENT THAT TOPOGRAPHY AND/OR AVAILABLE WATER SOURCES DO NOT ALLOW FOR THE 1/4 MILE REQUIREMENT, COORDINATION WILL BE NECESSARY WITH THE BLM PERSONNES PRIOR TO PLACEMENT OF SALT AND/OR MINERAL BLOCKS.
A NEW PERMIT WILL BE ISSUED ONCE THE ROCK CREEK AND PUMPERNICKEL ALLOTMENTS MULTIPLE USE DECISIONS ARE FINAL.

OPERATOR NUMBER: 272021

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00101 ROCK CREEK	2192	200	2392
00116 PUMPERNICKLE	1209	113	1322

THIS PERMIT ; 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND TO MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:

SIGNATURE OF PERMITTEE: _____ DATE _____

AREA MANAGER: _____ DATE _____

BOB MILLER
Governor

STATE OF NEVADA

5/6/96
CATHERINE BARCOMB
Executive Director



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A

Reno, Nevada 89509
(702) 688-2626

May 6, 1996

Mr. Pete Christensen
Paradise-Denio Resource Area
Bureau of Land Management
5100 East Winnemucca Blvd.
Winnemucca, Nevada 89406

Subject: PD - Rock Creek/Pumpnickel Allotments

Dear Mr. Christensen:

The Commission for the Preservation of Wild Horses appreciates this opportunity to review the proposed manager's decision for a grazing authorization affecting the Pumpnickel and Rock Creek Allotments. Your decision to issue this permit contingent to the completion of an allotment evaluation/multiple use decision complements your agency's commitment to multiple use management of our public lands.

We admire your leadership concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director