



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

In Reply Refer To:
4160.3
(NV-026.14)

March 1, 1996

CERTIFIED MAIL NO.P383113319
RETURN RECEIPT REQUESTED

FINAL DECISION

HOME STATION GAP, HOLE IN THE WALL, & JERSEY VALLEY GRAZING PERMITS

Mr. Jerry Kelly
P.O. Box 885
Lovelock, NV 89419

Dear Mr. Kelly:

On January 31, 1996, a Proposed Decision was issued offering you a Grazing Permit. I have received a protest to this Proposed Decision from the Commission for the Preservation of Wild Horses.

Based upon this protest I have reconsidered my Proposed Decision. Additionally, based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Jersey Valley, Hole in the Wall, and Home Station Gap allotments have been designated as being available for grazing through the Sonoma-Gerlach MFP III, the Lahontan RMP, and the Shoshone-Eureka RMP respectively.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.
4. The Terms & Conditions contained in the offered grazing

permit are based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands and ensure conformance with the provisions of 43 CFR 4180.

5. An allotment evaluation is scheduled to be completed for these allotments during 1996.

Therefore, it is my final decision to:

Offer you the attached 5 Year Grazing Permit

RATIONALE:

I have determined that the scheduled evaluation of grazing may result in changes that may require changes in the proposed Grazing Permit so it is warranted to reduce the length of the permit. I have also considered that, due to anticipated reductions in budget and staffing, we may not be able to complete the evaluation as scheduled. These factors led me to conclude that shortening the length of the Grazing Permit is in the best interest of sound land management. Because of the uncertainty of the completion date of the evaluation, the term of the Grazing Permit will be for 5 years.

AUTHORITY:

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

4100.0-8 "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 actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(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 and 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, 4130.3-1, and 4130.3-2."

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."

4130.2(d) "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...(4)the authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management."

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."

4130.3-1(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."

4130.3-2 "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..."

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessors or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessors, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision

will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

APPEALS:

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 writing to Bud C. Cribley, Sonoma-Gerlach Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

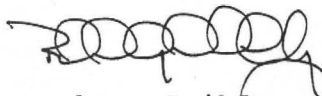
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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.

Sincerely,



Bud C. Cribley, Area Manager
Sonoma-Gerlach Resource Area

cc

P383113328 Churchill County Commissioners
P383113320 Commission for the Preservation of Wild Horses
P383113321 Craig Downer
P383113329 Demar Dahl
P383113330 Joe Saval Co.
P383113331 Lander County Commissioners
P383113322 Natural Resources Defense Council
P383113323 Nevada Division of Wildlife
P383113324 Pershing County Commissioners
P383113326 Resource Concepts Inc

P383113327 Sierra Club Toiyabe Chapter
P383113332 Jerry Utter
P383113333 Ray Williams, Jr.
P383113334 Joe Dahl
P383113335 Macks Thompsen
P383113336 Donna Campbell
Battle Mountain BLM
Carson City BLM

m 4130-2a
September 1987

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE NV
OFFICE 026
OPERATOR NUMBER 272049
PREFERENCE CODE 03
DATE PRINTED 03/01/96
TERM 03/01/1996 TO 02/28/2001

KELLY, JERRY R.

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

P. O. BOX 885
LOVELOCK, NV 89419

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

JRE	LIVESTOCK		GRAZING PERIOD		TYPE		AUM"S
	NUMBER	KIND	BEGIN	END	%PL	USE	
JERSEY VALLEY							
	87	CATTLE	03/01	02/28	100	ACTIVE	1044
	109	CATTLE	10/01	02/28	100	ACTIVE	541
HOLE IN THE WALL							
	535	CATTLE	11/01	02/28	100	ACTIVE	2111
	535	CATTLE	03/01	03/31	100	ACTIVE	545
HOME STATION GAP							
	141	CATTLE	04/01	10/31	100	ACTIVE	992

3 AND CONDITIONS:

ACCURATE ACTUAL USE WILL BE SUBMITTED WITHIN 15 DAYS OF LIVESTOCK BEING REMOVED.
ALL RANGE IMPROVEMENTS WILL BE MAINTAINED PRIOR TO LIVESTOCK TURN-OUT. NO SALT AND/OR MINERAL BLOCKS SHALL BE PLACED WITHIN ONE QUARTER (1/4) 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 BLM PERSONNEL PRIOR TO PLACEMENT OF SALT AND/OR MINERAL BLOCKS.



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

March 6, 1996

Mr. Bud Cribley
Sonoma Gerlach Resource Area
Bureau of Land Management
705 East Fourth Street
Winnemucca, Nevada 89445

Subject: Long Term Permits

Dear Mr. Cribley:

The Commission for the Preservation of Wild Horses appreciates this opportunity to review Final Decisions for long term grazing permits. We appreciate the five year limit to these permits, pending multiple use decisions in 1996.

These permits reflect the ongoing decision making processes that directly affect wild horses herds in the Sonoma-Gerlach Resource Area. We hope that management priorities continue to support this process that has potential for achieving a thriving natural ecological balance on our public lands.

Sincerely,

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

CATHERINE BARCOMB
Executive Director