



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4110.2-3,
4130.1-1
NV-024.14

FEB 06 1995

CERTIFIED MAIL NO. Z413799393
RETURN RECEIPT REQUESTED

Ms. Cathy Barcomb
Commission for the Preservation
of Wild Horses & Burros
50 Freeport Blvd. #2
Sparks, NV 89431

Dear Ms. Barcomb:

Please find enclosed, the proposed decision to transfer the grazing preference for the Paiute Meadows Allotment to Irv and Sandy Brown.

If you would like to request a copy of the 1993 Paiute Meadows FMUD, or have any questions, please feel free to contact Mandy McCutcheon or Bob Hopper at (702) 623-1500.

Sincerely Yours,

Area Manager
Paradise-Denio Resource Area

Enclosure
Proposed Transfer Decision



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office

705 East 4th Street

Winnemucca, Nevada 89445

IN REPLY REFER TO:

4160.1-1
(NV024.14)

FEB 06 1995

CERTIFIED MAIL NO. Z413799395
RETURN RECEIPT REQUESTED

Irv & Sandy Brown
P.O. Box 478
Winnemucca, NV 89446

Notice of Area Manager's Proposed Decision Paiute Meadows Allotment

Dear Mr. & Mrs. Brown:

On February 9, 1994, you informed members of my staff that you were in the process of purchasing the base properties for the Paiute Meadows Allotment. You were informed that the Bureau required proof of control of the base properties before the transfer process could begin.

At this meeting, you asked if there was any way to defer the phase in reduction in the season of use in the North Paiute Use Area, as scheduled in the FMUD dated April 12, 1993, so that you could convert the majority of the alfalfa fields on the base properties to meadow to accommodate early livestock removal. The Paradise-Denio Area Manager, at that time, requested that you submit a plan of operation for the conversion. This document was received in our office February 17, 1994.

On June 20, 1994, you submitted a Deed of Trust for the base properties tied to the Paiute Meadows Allotment. This document showed proof of control of the base properties and initiated the transfer of the grazing preference process. Also received, on this date, was a letter requesting that we defer the phase in of the grazing schedule in the North Paiute Use Area by BLM one year. This request was initiated due to the fact that a dispute over the base properties kept you from taking possession until late spring.

On August 26, 1994, we received your letter stating that due to the dry conditions you were taking non-use for conservation purposes for the 1994 grazing season.

On January 23, 1995, you met with Alan Cain, members of my staff, and myself. At this meeting you were offered a 10 year permit, for the Paiute Meadows Allotment, which you declined.

Based on these events, it is my proposed decision to approve the transfer of the grazing preference for the Paiute Meadows Allotment to you with all the terms and conditions of the Area Manager's Final Full Force and Effect Multiple Use Decision, dated April 12, 1993 as follows:

A. Grazing Preference Status (AUMs)

1. Total preference	9,932
2. Suspended preference	6,382
3. Active preference	3,550
Active Use	2,154
Non-Use	1,396

B. Season of Use

Spring and Early Summer Use
03/15 to 07/15

C. Kind and Class of Livestock - Cattle, Cow/Calf

D. Percent Federal Range - 97%

E. Grazing System

The grazing system listed below is for the next evaluation period and will be implemented over a five year period.

North Paiute Use Area

Low Elevation		
540 cattle	03/15 to 05/15	1068 AUMs
High Elevation		
540 cattle	05/16 to 07/17	1086 AUMs

Use will begin in the lower elevations east of the Leonard Creek Road. This area would include all the lower foothills and alluvial fans along the eastern portion of the allotment north of Paiute Creek that fall below 1550 meters in elevation.

Livestock use of the higher elevations will be deferred until after May 01 by salting and herding practices. The high elevation use area would include Paiute Creek above the drift fence and higher country above 1550 meters in elevation.

All livestock will be removed from the allotment prior to July 17 of each year. Winter use by livestock will not be authorized due to direct conflicts with wildlife and wild horse use of the area during winter months.

South Paiute Use Area

As identified in the February 25, 1993 allotment evaluation for Paiute Meadows, the use area south of Paiute Creek is lacking in grass species due to excessive use by wild horses and livestock and the past six years of drought conditions. Livestock use will not be authorized in this area until the following specific criteria are met as determined by the District Soil Scientist and the range staff in the Paradise-Denio Resource Area.

Criteria

Utilizing the 1992 Ecological Site Inventory data collected in this allotment, three key range sites were selected from the soil mapping units that represented the majority of the use area. The range sites selected were ones that would respond to changes in management and represent various elevations. The following is a description of the range sites:

South Slope 12-16 P.Z. 023XY016NV ARVA2/AGSP
Soil Map Unit 177 write-up number DJ-60 will be used for monitoring. The reference site is DJ-54.

Loamy Slope 10-14 P.Z. 023XY039NV ARTR2/AGSP
Soil Map Unit 965 write-up number DJ-63 will be used for monitoring. The reference site is DJ-52.

Sandy 5-8 P.Z. 027XY009NV ORHY/STCO4
Soil Map Unit 378 write-up number DJ-27 will be used for monitoring. The reference site is DJ-10.

Criteria for Resuming Livestock Grazing

023XY016NV Increase AGSP from 6% present by weight in the monitoring site to 15% by weight. Site potential for AGSP is 60 to 70%. AGSP reference site is 14%.

023XY039NV Increase AGSP from 2% present by weight in the monitoring site to 15% by weight. Site potential for AGSP is 40 to 60%. AGSP reference site is 22%.

Increase STTH2 from 3% present by weight in the monitoring site to 5% by weight. Site potential for STTH2 is 10 to 20%. STTH2 reference site is 6%.

027XY009NV

Increase ORHY from 6% present by weight in the monitoring site to 15% by weight. Site potential for ORHY is 50 to 70%. ORHY reference site is 12%.

The control sites (clipped plots) will be compared in the future with the ocular sites to determine progress. The first monitoring is scheduled for 1995.

The active use will be phased in using the following schedule:

<u>Year</u>	<u>Total Preference</u>	<u>Suspended Preference</u>	<u>Active Preference</u>	<u>Active Use</u>	<u>Non-use</u>
1993	9932	6382	3550	2500	1050
1995	9932	6382	3550	2686	864
1997	9932	6382	3550	2154	1396

Season of Use Phase In:

1993 and 1994	03/15 to 09/18
1995 and 1996	03/15 to 08/17
1997	03/15 to 07/17

1995 & 1996 Grazing Schedule

North Paiute

Low Elevation

540 cattle 03/15 to 05/31 1343 AUMs

High Elevation

540 cattle 06/01 to 08/17 1343 AUMs

Terms and Conditions:

Herding/salting practices are required and should be designed so that livestock drift does not occur into use areas not scheduled for use.

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats or aspen stands.

You are required to perform normal maintenance on the range improvements as per your signed cooperative agreements prior to turning out.

Your certified actual use report by pasture is due 15 days after the end of the authorized grazing period.

Range Improvements

Reconstruct the existing Soldier Meadows/Paiute Meadows drift fence from the Pine Forest Allotment south and extend the fence to Burnt Springs with offset gates at major horse trails.

Removal of the fence from the Paiute Seeding.

Time, funding, water right issues, the Nepa process, and priority of projects will dictate the completion of all projects.

RATIONALE:

BLM Manual Handbook H-4130-1 states, "If a decision has been placed in full force and effect, a permit offered after the effective date specified in the decision must be consistent with that decision, unless modified by an Administrative Law Judge, the Interior Board of Land Appeals, or a Federal Court, in which case it must be consistent with the final decision."

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

§4110.2-3(a)(3) "The transferee shall accept the terms and conditions of the terminating grazing permit or lease (see §4130.2) with such modifications as he may request which are approved by the authorized officer or with such modifications as may be required by the authorized officer."

§4130.2(a) "Grazing permits or leases shall be issued to authorize livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management. These grazing permits or leases shall specify terms and conditions as required by §4130.6 of this title."

§4130.2(b) "Grazing permits or leases convey no right, title, or interest held by the United States in any lands or resources."

§4130.6 "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

§4130.6-1(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 as determined through monitoring and adjusted as necessary under §4110.3, §4110.3-1, §4110.3-2."

§4130.6-1(b) "All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease."

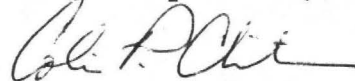
§4130.6-2 "The authorized officer may specify in grazing permits and leases other terms and conditions which will assist in achieving management objectives, provide for

proper range management, or assist in the orderly administration of the public rangelands..."

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

If you wish to protest this decision in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file such protest with the Paradise-Denio Resource Area Manager, Bureau of Land Management, Winnemucca District, 705 E. Fourth Street, Winnemucca, NV 89445. Subsequent to the fifteen day protest period a final decision will be issued to which will provide opportunity for appeal in accordance with 43 CFR §4160.4 and 43 CFR §4.470.

Sincerely Yours,



Area Manager
Paradise-Denio Resource Area

Certified cc: NRDC
Sierra Club-Toiyabe Chapter
Craig Downer
Wilderness Society
NV Outdoor Recreation Assn.
Paul Clifford
Desert Bighorn Council
NDOW (Fallon)
John Marvel
Nevada Land Action
NV Farm Bureau
Nevada Cattlemen's Assn.
USFW
Trout Unlimited, Sagebrush Chapter
WHOA
Animal Protection Institute
Commission for the Preservation
of Wild Horses & Burros
American Horse Protection Assn.
US Humane Society
Claudia Richards
Daniel & Sammie Ugalde
NDOW (Winnemucca)
Humboldt County Commissioners
Alan Cain