



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
(775) 623-1500
<http://www.nv.blm.gov/winnemucca>



In Reply Refer To:
4160(NV-22.13)

JUL 22 2003

*Jackson
HWA*

Dear Interested Public:

The following appeals from the Final Multiple Use Decision on the **Bottle Creek Allotment** issued September 14, 2000, were dismissed by Judge William Hammett on June 25, 2003:

Mel Hummel, N2-2001-01, IBLA2001-43 (N2-2001-02)
DeLong Ranches, Inc., N2-2001-03, IBLA2001-46 (N2-2001-04)
Wilson Ranches, Inc., N2-2001-05, IBLA2001-47 (N2-2001-06)

Please find enclosed a copy of the Stipulation to Modify Decision and Dismiss Appeal and a copy of the Order Dismissing Appeals.

Please contact Lynnda Jackson of my staff at (755)623-1500 if you have any questions.

Sincerely,

Les W. Boni
Assistant Field Manager
Renewable Resources

UNITED STATES DEPARTMENT OF INTERIOR

OFFICE OF HEARINGS AND APPEALS

HEARINGS DIVISION

MEL HUMMEL	)	N2-2001-01, IBLA 2001-43, (N2-2001-02)
DELONG RANCHES, INC.	)	N2-2001-03, IBLA 2001-46, (N2-2001-04)
WILSON RANCHES, INC.	)	N2-2001-05, IBLA 2001-47, (N2-2001-06)
)	
Appellants,)	
)	
vs.	)	Appeal from the Final Multiple Use Decision
	)	on the Bottle Creek Allotment
BUREAU OF LAND	)	Issued September 14, 2000, by the
MANAGEMENT	)	Assistant Field Manager,
	)	Winnemucca Field Office
Respondent.)	
)	

STIPULATION TO MODIFY DECISION AND TO DISMISS APPEAL

MEL HUMMEL, DELONG RANCHES, INC., AND WILSON RANCHES, INC. (Permittees), and *BUREAU OF LAND MANAGEMENT* ("BLM"), move to dismiss the above noted appeals and stipulate to the following:

1. All elements of the BLM Livestock Management portion of the Final Multiple Use Decision dated September 14, 2000, ("Decision") shall remain as originally specified, except that said BLM Decision and Permittees' current Grazing Permits are modified in accordance with 43 CFR 4.470, as follows:

a. The Decision is modified in that the following is no longer included as a term and condition for grazing on the Bottle Creek Allotment (pages 6, 8, 11 and 14):

Bottle Creek Allotment is a common use allotment. This grazing permit and annual authorizations define where each permittee is authorized to graze within the allotment. Authorization to graze a portion of the allotment does not establish future priority use of that portion of the allotment for any of the permittees.

Further, the above term and condition is hereby removed from the current grazing permits for Mel Hummel, DeLong Ranches, Inc., Wilson Ranches, Inc., and Robert and Susan Hoenck.

b. The Decision is modified in that Alexander Use Area and Common Use Area are hereby combined into one use area called Common Use.

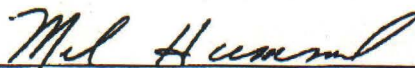
c. The need for additional stockwater is identified in the Decision. Further, the appellants and BLM agree that stockwater in the central portion of North Use Area is a priority. The Decision is modified to include the following to the range improvement projects listed in section E (pages 15-16) of the Decision:

Construct a pipeline from private land, extending approximately one mile onto public land located in the central portion of North Use Area.

2. The BLM agrees to review the wild horse herd area (i.e. whether wild horses inhabited the Bottle Creek Allotment at the passage of the Wild Horse and Burro Act); and whether the boundaries of the Jackson Mountains Herd Management Area within the Bottle Creek Allotment warrant modification, as part of the land use planning process scheduled to be initiated in 2004. The BLM will include the appellants as interested parties so that the appellants may raise these issues in conformance with 43 CFR 1600, Planning Regulations.

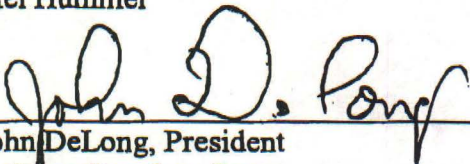
3. The parties respectfully request that this matter be dismissed in accordance with this Stipulation, except that the Hearings Division will retain authority to enforce the terms of this Stipulation.

Date: June 5, 2003



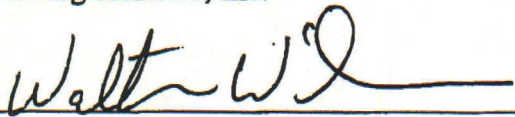
Mel Hummel

Date: June 6, 2003



John DeLong, President
DeLong Ranches, Inc.

Date: June 6, 2003



Walter Wilson, Vice President
Wilson Ranches, Inc.

Date: June 9, 2003



Les W. Boni
Assistant Field Manager
Winnemucca Field Office- BLM

1 **CERTIFICATE OF SERVICE**

2 RE: Hummell, et al., v. BLM; IBLA 2001-43; IBLA 2001-46; IBLA 2001-47

3 I, the undersigned, declare that:

4 I am a citizen of the United States, over the age of eighteen, and am not a part to this
5 litigation. On June 19, 2003, I served the

6
7 **“Stipulation to Modify Decisions and to Dismiss Appeal”**

8 by placing the above document enclosed in a sealed envelope via Federal Express and via
9 facsimile at Sacramento, California, addressed as follows:

10
11 William E. Hammett
12 Administrative Law Judge
13 US. Department of the Interior
14 Office of Hearings & Appeals
15 801 I Street, Suite 131
16 Sacramento, California 95814
17 916-498-6600
18 916-498-6409 fax

19 by placing a true copy enclosed in a sealed envelope via regular mail at Sacramento,
20 California, addressed as follows:

21 Mel Hummell
22 Star Route 340
23 Winnemucca, Nevada 89445

24 John DeLong, President
25 DeLong Ranches, Inc.
26 Star Route 335
27 Winnemucca, Nevada 89445

28 Walter Wilson, Vice President
Wilson Ranches, Inc.
9535 Highway 95 North
Winnemucca, Nevada 89445

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 19th of June, 2003, at Sacramento, California.


Belva Magill
Legal Assistant



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

801 I Street, Suite 131
Sacramento, California 95814

MEL HUMMELL,	)	N2-2001-01, IBLA 2001-43 (N2-2001-02)
)	
Appellant)	
v.	)	Appeal from the September 14, 2000 FMUD
	)	on the Bottle Creek Allotment issued by the
BLM,	)	BLM Field Office, Winnemucca, Nevada
)	
Respondent)	
<hr/>		
DELONG RANCHES, INC.,	)	N2-2001-03, IBLA 2001-46 (N2-2001-04)
)	
Appellant,	)	Appeal from the September 14, 2000 FMUD
v.	)	on the Bottle Creek Allotment issued by the
	)	BLM Field Office, Winnemucca, Nevada
BLM,)	
)	
Respondent)	
<hr/>		
WILSON RANCHES, INC.,	)	N2-2001-05, IBLA 2001-47 (N2-2001-06)
)	
Appellant,	)	Appeal from the September 14, 2000 FMUD
v.	)	on the Bottle Creek Allotment issued by the
	)	BLM Field Office, Winnemucca, Nevada
BLM,)	
)	
Respondent.)	

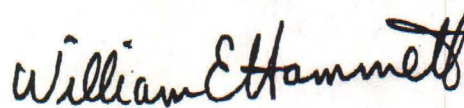
ORDER DISMISSING APPEALS

The parties have submitted a motion to dismiss the above-captioned appeals in accordance with certain specified stipulations. It is hereby ordered that the BLM decisions under appeal are modified in the manner specified by the parties in their Stipulation of Dismissal, and further that BLM shall review the wild horse herd area (i.e., whether wild horses inhabited the Bottle Creek Allotment at the passage of the Wild Horse and Burro Act); and whether the boundaries of the Jackson Mountains Herd Management Area within the Bottle Creek Allotment warrant modification, as part of the land use planning process scheduled to be initiated in 2004. It is further ordered that BLM shall include the Appellants as interested parties so that Appellants may raise the foregoing issues in conformance with 43 CFR 1600, Planning Regulations.

The parties motion to dismiss these appeals is granted, with the following observation. The Hearings Division has jurisdiction to review certain final decisions of BLM managers but does not have direct authority to enforce the terms of settlement agreements. To the extent, however, that

BLM decides to ignore, or fails to comply with, the actions ordered above, such decision would form the basis for an independent appeal on the part of the Appellants. The subject appeals are dismissed.

Issued and entered at Sacramento, California JUN 25 2003

A handwritten signature in black ink that reads "William E. Hammett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

WILLIAM E. HAMMETT
Administrative Law Judge

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of the ORDER DISMISSING APPEALS was sent by certified, return receipt requested mail to the parties listed below, on the date indicated:

Nancy S. Zahedi
Office of the Solicitor
Pacific Southwest Region, US DOI
2800 Cottage Way, Room E-1712
Sacramento, CA 95825-1890

Mel Hummel
Star Route 340
Winnemucca, NV 89445

John DeLong
President, DeLong Ranches, Inc.
Star Route 335
Winnemucca, NV 89445

Walter Wilson
Vice President, Wilson Ranches, Inc.
9535 Highway 95 North
Winnemucca, NV 89445

Date: June 25, 2003


SCOTT FUKUMOTO
Attorney-Advisor