



**United States Department of the Interior**  
**BUREAU OF LAND MANAGEMENT**  
 WINNEMUCCA DISTRICT OFFICE  
 705 East 4th Street  
 Winnemucca, Nevada 89445

L 3/21/90



IN REPLY REFER TO

4130  
(NV-241)

March 21, 1990

CERTIFIED MAIL NO. P878372574  
RETURN RECEIPT REQUESTED

Notice of Area Manager Proposed Decision

Dick Mecham  
 P.O. Box 342  
 Eureka, NV 89316

Dear Mr. Mecham:

On January 8, 1990 you submitted a transfer for grazing preference on the Paiute Meadows allotment. On February 21, 1990 you submitted an application for grazing use in the allotment as part of the transfer process. The applications were as follows:

January 8, 1990 application for transfer of grazing preference:

<u>Total</u> <u>Preference</u>	<u>Suspended</u> <u>Preference</u>	<u>Active</u> <u>Preference</u>
9,932 AUMs	2,105 AUMs	7,827 AUMs

February 21, 1990 Application:

Livestock Number	Period		%PL Use	Type Use	AUM's
	Begin	End			
500 C	03/16/90	03/31/90	100	A	263
1,000 C	04/01/90	10/31/90	100	A	7,036
484 C	11/01/90	11/30/90	100	A	477
50 C	12/01/90	12/31/90	100	A	51
					<u>7,827</u>

After considering your applications, my proposed decision is to deny your applications as submitted and to approve your transfer and grazing applications as outlined below for the Paiute Meadows allotment as interim grazing management until the allotment evaluation is completed. The approval of the grazing preference transfer will be suspended pending any appeal of the final decision.

Approved transfer of grazing preference:

<u>Total</u> <u>Preference</u>	<u>Suspended</u> <u>Preference</u>	<u>Active</u> <u>Preference</u>	<u>Not</u> <u>Scheduled</u>	<u>Authorized</u> <u>Active Use</u>
9,932 AUMs	2,105 AUMs	7,827 AUMs	3,477 AUMs	4,350 AUMs

The grazing permit for the Paiute Meadows allotment will be as follows:

Livestock Number	Period		%PL Use	Type Use	AUM's
	Begin	End			
700 Cattle	05/01	11/05	100	A	4,350

Terms and Conditions:

Grazing use will be made north of Pahute Creek with herding practices designed to control drift of livestock south of Pahute Creek. Active grazing use will be held to 4,350 AUMs. 3,477 AUMs will be held in nonuse for conservation and protection purposes until evaluation of monitoring data indicates that active use may resume. No salt or mineral blocks shall be placed within one quarter mile of springs, meadows, streams, riparian habitats or aspen stands. You are required to perform normal maintenance on the range improvements to which you have been assigned maintenance responsibility.

Rationale:

An initial review of monitoring data indicates a possible overobligation of available forage within the southern portion of the allotment. This is due to the use of this area by wild horses. Monitoring data also indicates no apparent problems at this time with the northern portion of the allotment.

A review of the range survey used to adjudicate the grazing preference for this allotment shows that 4,341 AUMs were adjudicated for the northern portion of the allotment (north of Pahute Creek). For billing purposes an active grazing use of 4,350 AUMs will be authorized. A final determination of the carrying capacity of the Paiute Meadows allotment for livestock, wildlife and wild horses will be determined through the allotment evaluation process. I am approving interim grazing use for the 1990 grazing year or until this process can be completed. In addition to the grazing level of 4,350 AUMs, livestock use should be made north of Pahute Creek with herding practices designed to accomplish this, recognizing there is no restrictive barrier other than topography.

The livestock turn out date of May 1 is selected to provide for additional spring growth of forage prior to use by livestock. A final determination of the grazing season of use will be made when the allotment evaluation process is completed. This process will involve consultation with yourself and other affected interests prior to the selection of a management action for this allotment.

The Paiute Meadows evaluation is currently scheduled to be drafted and issued for public comment and review by June 1990. Additional monitoring data is also scheduled to be collected within the next 4 weeks and will provide additional information for the evaluation process.

Grazing use may be authorized at the approved levels, periods and areas of use. If the final decision is appealed, this decision shall be suspended pending final action on the appeal. The suspension of this decision would mean that the approval of the grazing preference transfer would also be suspended. Without completion of the preference transfer, active grazing use could not be authorized and as such the grazing permit would be cancelled.

The authority for this decision in pertinent part is contained in:

Title 43 CFR 4100.0-8:

"The authorized officer shall manage livestock grazing on public lands under the principle 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 1601.0-5(b)."

Title 43 CFR 4110.3:

"The authorized officer shall periodically review the grazing preference specified in a grazing permit and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

Title 43 CFR 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."

Title 43 CFR 4110.3-2(b):

"When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce active use if necessary to maintain or improve rangeland productivity, unless the authorized officer determines a change in management practices would achieve the management objectives."

Title 43 CFR 4110.3-2(c):

"Where active use is reduced it shall be held in suspension or in nonuse for conservation/protection purposes, until the authorized officer determines that active use may resume."

Title 43 CFR 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 and 4110.3-2."

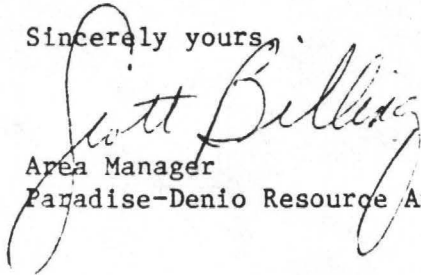
Title 43 CFR 4160.3(c):

"...Decisions that are appealed shall be suspended pending final action except as otherwise provided in this section. Except where grazing use the preceding year was authorized on a temporary basis under 4110.3-1(a) of this title, an applicant who was granted grazing use in the preceding year may continue at that level of authorized active use pending final action on the appeal."

If you wish to protest this decision in accordance with 43 CFR 4160.2 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. 4th Street, Winnemucca, NV 89445. In the absence of a protest within the time allowed in accordance with 43 CFR 4160.3(a) the above proposed decision shall constitute my final decision.

Should this notice become the final decision and if you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.4 and 4.470, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with the Paradise-Denio Resource Area Manager, Bureau of Land Management, at the above address.

Sincerely yours,

  
Area Manager  
Paradise-Denio Resource Area

cc: Certified copies to:

William C. Cummings P878372575  
Tom Van Horne P878372576  
Dan Russell P878372577  
Nevada Department of Wildlife P878372578  
Natural Resources Defense Council P878372579  
Sierra Club-Toiyabe Chapter P878372580  
Winnemucca Unit of the Nevada Cattlemen P878372581  
Wild Horse Organized Assistance P878372582  
Desert Bighorn Council P878372583  
Nevada Land Action Association P878372584  
Craig C. Downer P878372585  
Commission for the Preservation of Wild Horses P878372586  
Animal Protection Institute P878372587  
Wilderness Society P878372588