



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

In Reply Refer To:

(NV-240)
4160

January 26, 1996

CERTIFIED MAIL NO. P383 118 497
RETURN RECEIPT REQUESTED

NOTICE OF AREA MANAGER'S PROPOSED DECISION

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

Dear Mr. & Mrs. Brown:

I have received your signed "Acceptance of Terms and Conditions and Request For Grazing Permit" form(s) for the Paiute Meadows Allotment(s). I have determined that you are a qualified applicant and that the above listed allotment(s) is/are designated as available for livestock grazing through the Paradise-Denio Management Framework Plan.

I have further determined that the Terms and Conditions which you have accepted are appropriate to achieve the management and resource condition objectives for the allotment(s), and that they will ensure conformance with 43 CFR 4180 (Fundamentals of Rangeland Health).

My proposed decision is to offer you the attached Grazing Permit(s).

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."

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, Paradise-Denio Resource Area Manager, 705 E. Fourth Street, 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 the final decision of the authorized officer without further notice unless otherwise provided in the proposed 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.

Sincerely yours,



Colin P. Christensen
Paradise-Denio Resource Area Manager

Authority: The authority of 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 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)."

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, 4130.3-1, 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."

4130.3 "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..."

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:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

: STATE NV
: OFFICE 024
: OPERATOR NUMBER 272205
: PREFERENCE CODE 03
: DATE PRINTED 12/15/95
: TERM 03/01/1996 TO 02/28/2006

GRAZING PERMIT

IRVIN E. BROWN

BUREAU OF LAND MANAGEMENT
PARADISE-DENIO R.A.
705 EAST 4TH STREET
WINNEMUCCA, NV 89446

P.O. BOX 478
WINNEMUCCA, NV 89446

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	
00057 PAIUTE MEADOWS	524	CATTLE	03/15	07/17	100	ACTIVE	2153
	524	CATTLE	07/18	10/06	100	ACTIVE	1395

TERMS AND CONDITIONS:

THIS PERMIT IS ISSUED IN ACCORDANCE WITH THE AREA MANAGER'S FINAL MULTIPLE USE DECISION ISSUED APRIL 12, 1993 AND THE AREA MANAGER'S FINAL TRANSFER DECISION ISSUED JULY 12, 1995.

AS PER THE SCHEDULED REDUCTION OUTLINED IN THE FINAL MULTIPLE USE DECISION THIS PERMIT IS ISSUED AT THE THIRD AND FINAL PHASE OF THE REDUCTION WHICH IS 3550 ACTIVE AUMS.

THE 1396 AUMS HELD IN NON-USE FOR CONSERVATION PURPOSES IN THE SOUTH PAIUTE USE AREA HAVE BEEN RE-ACTIVATED AS MONITORING DATA INDICATED WE HAVE MET THE CRITERIA AS OUTLINED IN THE FINAL TRANSFER DECISION DATED JULY 12, 1995.

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



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

February 2, 1996

Mr. Pete Christensen
Paradise-Denio Resource Area
Bureau of Land Management
705 East 4th Street
Winnemucca, Nevada 89406

Subject: 10 Year Permit - Paiute Meadows

Dear Mr. Christensen:

Thank you for consulting the Commission concerning the issuance of the long term permit for Paiute Meadows Allotment. We appreciate the inclusion of the conditions established in the Multiple Use Decision issued in 1993.

We are assured that the implementation of the land use plan by these actions will protect the Black Rock Wild Horse Herd.

Sincerely,

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

CATHERINE BARCOMB
Executive Director