



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Winnemucca District Office  
705 East 4th Street

Winnemucca, Nevada 89445

FEB 25 1993



IN REPLY REFER TO:

4160  
(NV-0241.5)

CERTIFIED MAIL NO. P374309799  
RETURN RECEIPT REQUESTED

### Notice of Area Managers Proposed Decision

Julian W. Marcuerquiaga  
Box 57  
Denio, NV 89404

Dear Mr. Marcuerquiaga:

On August 8, 1988, I issued a draft Alder Creek Allotment Evaluation which was received by you on August 22, 1988. On October, 6, 1988, a meeting was held between you and representatives of the Bureau of Land Management to discuss the draft Alder Creek allotment evaluation. This included discussions on analysis of monitoring data and recommendations for livestock management and numbers. The following recommendation for livestock use in the summer pastures was made in the evaluation and discussed at the October 6 meeting:

Continue the rest-rotation system for the summer pastures with a period of use of 07/01 to 09/30 with an initial stocking rate of 750 head of livestock. An alternative stocking rate and period of use may be 1000 head of livestock for two months.

#### Grazing Schedule:

750 C	07/01 to 09/30	2250 AUMs
or 1000 C	07/01 to 08/31	2250 AUMs

This recommendation was based on monitoring and actual data collected from 1983 to 1988 to balance the carrying capacity of the summer pastures with livestock numbers while protecting rangeland, riparian and meadow resources. Analysis of monitoring data indicates that livestock management practices, stocking levels and poor livestock distribution due to the topography of the summer pastures were the primary factors causing unacceptable utilization levels (heavy to severe) within riparian areas and meadows. In addition, monitoring data collected from 1989 to 1992 indicates that unacceptable utilization levels within riparian areas and meadows were continuing due to current livestock management practices and poor livestock distribution.



On February 4, 1993, I received a grazing application from you for the 1993 grazing season in the Alder Creek allotment. This application was as follows:

<u>Allotment</u>	<u>Livestock Number &amp; Kind</u>	<u>Grazing Period</u>		<u>%PL</u>	<u>Type Use</u>	<u>AUMs</u>
		<u>Began</u>	<u>End</u>			
Alder Creek	1130 C	04/15 to	05/31	97	A	1694
	200 C	04/13 to	06/15	97	A	414
	350 C	04/14 to	06/15	97	A	706
	1680 C	06/15 to	07/31	97	A	2518
	1680 C	08/01 to	09/15	97	A	2464
	390 C	04/15 to	02/28	97	N	3980

Pasture Schedule:

Spring Use:

Bog Hot	1130 C	04/15 to	05/31
Gridley Lake	Rest		
South Rattlesnake	200 C	04/13 to	05/14
Highway	200 C	05/15 to	06/15
Big Creek Winter	250 C	04/14 to	06/15
North Rattlesnake	Rest		
Lower Ashdown	Rest		
Big Creek Seeding	100 C	04/13 to	06/15

Summer Use:

Stone Cabin	Rest		
Upper Ashdown	1680 C	06/15 to	07/31
Big Creek	1680 C	08/01 to	09/15

Winter Use:

Gridley Lake	Nonuse
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In conversations with you on February 10, 1993, you were informed that the application would not be approved, and an inquiry was made as to whether you would withdraw your grazing application, which you did not. During the course of the meeting, you made the following proposal (dated February 9, 1993) for use in the summer pastures during the 1993 grazing season:

Stone Cabin	1680 C	06/01 to	07/01
Upper Ashdown	1680 C	07/02 to	08/10
Big Creek	1680 C	08/11 to	09/20



Based upon the above information and in consideration of your February 4, 1993 application and subsequent proposal for livestock use in the summer pastures, my proposed decision is as follows:

- The following portions of your application dated February 4, 1993, are denied:

<u>Allotment</u>	<u>Livestock Number &amp; Kind</u>	<u>Grazing Period</u>		<u>%PL</u>	<u>Type Use</u>	<u>AUMs</u>
		<u>Began</u>	<u>End</u>			
Alder Creek	1130 C	04/15	05/31	97	A	1694
	1680 C	06/15	07/31	97	A	2518
	1680 C	08/01	09/15	97	A	2464

Pasture Schedule:

Spring Use:

Bog Hot 1130 C 04/15 to 05/31

Summer Use:

Upper Ashdown 1680 C 06/15 to 07/31  
Big Creek 1680 C 08/01 to 09/15

- The following grazing and pasture schedule, including portions of your February 4, 1993 application, is approved for the 1993 grazing season:

<u>Allotment</u>	<u>Livestock Number &amp; Kind</u>	<u>Grazing Period</u>		<u>%PL</u>	<u>Type Use</u>	<u>AUMs</u>
		<u>Began</u>	<u>End</u>			
Alder Creek	150 C	04/15	05/05	100	A	104
	300 C	04/13	04/13	97	A	10
	550 C	04/14	06/15	97	A	706
	1080 C	04/15	06/15	97	A	2135
	750 C	06/16	09/17	97	A	2250
	712 C	04/15	02/28	97	N	7267

Pasture Schedule:

Spring Use:

Bog Hot 530 C 04/15 to 06/16  
Gridley Lake Rest  
South Rattlesnake 200 C 04/13 to 05/14  
Highway 200 C 05/15 to 06/15  
Big Creek Winter 250 C 04/14 to 06/15  
North Rattlesnake Rest  
Lower Ashdown Rest  
Big Creek Seeding 100 C 04/13 to 06/15



Summer Use:

Stone Cabin	Rest	
Upper Ashdown	750 C	06/15 to 07/31
Big Creek	750 C	08/01 to 09/17

Winter Use:

Gridley Lake	Nonuse
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Rationale:

Monitoring data analyzed in the 1988 Alder Creek Allotment Evaluation and subsequent data collected from 1989 to 1992 indicates that utilization of forage in upland habitats in the Bog Hot spring use area is within acceptable utilization levels (slight to moderate) under current authorized levels of use. Monitoring data indicates that increasing livestock numbers, as applied for, will result in unacceptable levels of utilization (heavy) within the Bog Hot use area.

Analysis of current and past monitoring data collected in the summer pastures indicates that utilization of forage within riparian areas and meadows are above acceptable use levels (heavy to severe) because of livestock management practices, stocking levels and poor livestock distribution due to the topography of the pastures. An increase in livestock numbers, as proposed in the application dated February 4, 1993 and the proposal dated February 9, 1993, will increase the areas of unacceptable use levels within these pastures. Further analysis of monitoring and actual use data as indicated by the 1988 draft Alder Creek Allotment Evaluation and subsequent data collected from 1989 to 1992 determines that acceptable utilization levels will be achieved by authorizing a total of 2250 AUMs during the summer months within these pastures.

3. Approximately 1531 AUMs will be available for winter use in the Gridley Lake use area.
4. Your proposal dated February 10, 1993, for livestock use on all three summer pastures during the 1993 grazing season is denied. The 1971 Alder Creek Allotment Management Plan implemented a three pasture - rest rotation system in which two pastures are grazed each year and one is rested. This system has been in use from 1972 to present.

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

§4110.3 The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease 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.

§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.

§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 carrying capacity as determined through monitoring and adjusted as necessary under 4110.3, 4110.3-1 and 4110.3-2.

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: Natural Resources Defense Council  
Sierra Club  
Craig C. Downer  
Wilderness Society  
Nevada Outdoor Recreation Association  
Sheldon-Hart Mountain Refuges  
Desert Bighorn Council  
Nevada Dept. of Wildlife-Fallon  
John Marvel  
Nevada Land Action Association  
Nevada Department of Wildlife-Winnemucca  
Mr. Bruce Greenhalgh  
Stephen A. Moen  
Wild Horse Organ. Assist.  
Animal Protection Institute  
Commission for the Preservation  
Ms Claudia J. Richards