



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. P 383 118 530
RETURN RECEIPT REQUESTED

NOTICE OF AREA MANAGER'S PROPOSED DECISION

Robert and Delia Nuffer
Star Route Box 395
Winnemucca, NV 89445

Dear Mr. and Mrs. Nuffer:

I have received your signed "Acceptance of Terms and Conditions and Request For Grazing Permit" forms for the Deer Creek and Dyke Hot Allotments. I have determined that you are a qualified applicant and that the above listed allotments is 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, and that they will ensure conformance with 43 CFR 4180 (Fundamentals of Rangeland Health).

My proposed decision is to offer you the attached Grazing Permits.

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."

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:

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.

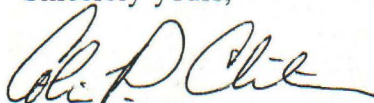
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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

CC: Certified Copies were sent to the Interested Publics with check marks by their name.

- ✓ P383122719 Natural Resources Defense Council
- ✓ P383122720 Sierra Club-Toiyabe Chapter
- ✓ P383122721 Craig C. Downer
- ✓ P383122722 The Wilderness Society
- P383122723 Nevada Outdoor Recreation Association
- P383122724 USFWS Sheldon National Wildlife Refuge
- ✓ P383122725 Desert Bighorn Council
- ✓ P383122726 NDOW-Fallon
- ✓ P383122727 Mr. John Marvel
- ✓ P383122728 Nevada Cattlemen's Association
- ✓ P383122729 Resource Concepts, Inc.
- P383122730 Santa Rosa Ranger District
- ✓ P383122731 Nevada Farm Bureau Federation
- P383122732 NV Dept. of Wildlife, Region II
- ✓ P383122733 USFWS
- ✓ P383122734 Sagebrush Chapter, Trout Unlimited
- ✓ P383122735 Wild Horse Organ. Assist.
- ✓ P383122736 Animal Protection Institute of America
- ✓ P383122737 Commission for the Preservation
of Wild Horses
- ✓ P383122738 International Society for the Protection
of Mustangs and Burros
- ✓ P383122739 American Horse Protection Assn.
- P383122740 U.S. Humane Society
- P383122742 Ms. Anna Charlton - Rutgers Law School
- P383122743 Edie Wilson
- ✓ P383122744 Humboldt County Commissioners
- P383122745 Tribal Council - Ft. McDermitt Tribe
- P383122746 Jim Shepherd
- P383122747 Area Manager - Elko Resource Area
- P383122748 Met Life
- P383122749 Stephen A. Moen
- P383122750 NORA
- P383122751 John Falen
- P383122752 American Wildlands
- P383122753 Oregon Dept. of Environmental Quality
- P383122754 American Fisheries Society
- P383122755 High Desert Wilderness Comm.
- P383122756 Trout Unlimited of Oregon
- P383122757 Oregon Wildlife Federation
- P383122759 Oregon Dept. of Fish and Wildlife
- P383122760 Audubon Society of Portland
- P383122763 FmHA-Ontario,OR
- P383122765 Western Farm Credit Bank

P383233766 Intermountain Fed. Land Bank Assoc.
Sierra/Nevada PCA
P383233767 Federal Land Bank of Berkeley
P383233768 Doane Western
P383233769 Nevada First Corporation
P383233771 William Cummings
P383233772 Nevada Bighorns Unlimited
✓P383233773 Nevada Land Action Assn.
P383233774 FmHA-Winnemucca

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

: STATE NV
: OFFICE 024
: OPERATOR NUMBER 272159
: PREFERENCE CODE 03
: DATE PRINTED 12/15/95
: TERM 03/01/1996 TO 02/28/2005
:

NUFFER, RJ AND DW

STAR ROUTE BOX 395
WINNEMUCCA, NV 89445

BUREAU OF LAND MANAGEMENT
PARADISE-DENIO R.A.
705 EAST 4TH STREET
WINNEMUCCA, NV 89445

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		
00052 DYKE HOT	183	CATTLE	03/01	04/30	95 ACTIVE	349
	200	CATTLE	05/01	09/15	95 ACTIVE	862
	21	CATTLE	09/01	09/30	100 ACTIVE	21
	77	CATTLE	10/01	02/28	95 ACTIVE	363
	10	HORSE	04/01	07/31	95 ACTIVE	38

TERMS AND CONDITIONS:

GRAZING USE WILL BE IN ACCORDANCE WITH THE FEBRUARY 24, 1995 AREA MANAGERS FINAL MULTIPLE USE DECISION - DYKE HOT ALLOTMENT.

LIVESTOCK WILL BE TRAILED BY THE SHORTEST AND QUICKEST ROUTES BETWEEN USE AREAS AND THE LIVESTOCK WILL NOT BE ALLOWED TO DRIFT BETWEEN AREAS HERDING OF THE LIVESTOCK BY THE PERMITTEE IS ESSENTIAL FOR THE SUCCESS OF THIS GRAZING SYSTEM. COMPLIANCE OF THIS ALLOTMENT WILL BE MADE AND IF 10% OF THE HERD (20 COWS) ARE OBSERVED IN DRAINAGES THAT ARE NOT AUTHORIZED FOR THAT TIME PERIOD, ALL LIVESTOCK WILL BE REMOVED FROM THE ALLOTMENT UNTIL THE SEEDING IS SCHEDULED FOR USE (09/01).

AN ALLOWABLE USE LEVEL OF 50% ON PASS CREEK WILL BE ENFORCED. THIS ALLOWABLE USE LEVEL WILL DICTATE LIVESTOCK REMOVAL. TO DETERMINE A REMOVAL DATE FROM THIS USE AREA, MID-POINT UTILIZATION STUDIES WILL BE CONDUCTED BY BLM, PERMITTEE AND AFFECTED INTERESTS. ADDITIONAL STUDIES MAY BE REQUIRED BEFORE AND AFTER THE MID-POINT INSPECTION. WHEN THE UTILIZATION LEVEL OF HERBACEOUS AND/OR WOODY RIPARIAN VEGETATION ALONG

OPERATOR NUMBER: 272159

PASS CREEK REACHES 45%, THE LIVESTOCK OPERATOR WILL BE GIVEN A FIVE (5) DAY NOTICE IN WHICH TO REMOVE LIVESTOCK FROM THIS USE AREA. THE LIVESTOCK MAY BE PLACED IN THE SEEDING IF REMOVAL FROM PASS CREEK OCCURS. HOWEVER, THE PERIOD OF USE IN THE SEEDINGS WILL NOT EXCEED 15 DAYS. NO GRAZING WILL BE AUTHORIZED AFTER 8/31 IN THE NATIVE USE AREAS

SALT AND/OR MINERAL BLOCKS SHALL NOT BE PLACED WITHIN ONE QUARTER (1/4) MILE OF SPRINGS, STREAMS, MEADOWS, RIPARIAN HABITATS, OR ASPEN STANDS.

THE PERMITTEE IS REQUIRED TO PERFORM NORMAL MAINTENANCE ON THE RANGE IMPROVEMENTS AS PER THEIR SIGNED COOPERATIVE AGREEMENTS/SECTION 4 PERMITS PRIOR TO TURNING OUT IN A PASTURE OR USE AREA SCHEDULED FOR LIVESTOCK USE.

THE PERMITTEE'S CERTIFIED ACTUAL USE REPORT, BY PASTURE/USE AREA, IS DUE 15 DAYS AFTER THE END OF THE AUTHORIZED GRAZING PERIOD.

IF PAYMENT IS NOT RECEIVED WITHIN 15 DAYS OF THE DUE DATE, YOU WILL BE CHARGED A LATE FEE ASSESSMENT OF \$25.00 OR 10% OF THE GRAZING BILL WHICHEVER IS GREATER, NOT TO EXCEED \$250.00. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS OF THE DUE DATE MAY RESULT IN TRESPASS ACTION.

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00052 DYKE HOT	1636	84	1720

THIS PERMIT ; 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND TO MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:

SIGNATURE OF PERMITTEE: _____ DATE _____

AREA MANAGER: _____ DATE _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

: STATE NV
: OFFICE 024
: OPERATOR NUMBER 272202
: PREFERENCE CODE 03
: DATE PRINTED 12/14/95
: TERM 03/01/1996 TO 02/28/2005
:

GRAZING PERMIT

R.J. AND D.W NUFFER

STAR ROUTE BOX 395
WINNEMUCCA, NV 89445

BUREAU OF LAND MANAGEMENT
PARADISE-DENIO R.A.
705 EAST 4TH STREET
WINNEMUCCA, NV 89445

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	%FL	USE	
00055 DEER CREEK	200	CATTLE	03/01	04/30	100	ACTIVE	401
	176	CATTLE	10/01	11/30	100	ACTIVE	353

TERMS AND CONDITIONS:

GRAZING USE WILL BE IN ACCORDANCE WITH THE FEBRUARY 23, 1994 DEER CREEK ALLOTMENT FINAL MULTIPLE USE DECISION.

SALT AND/OR MINERAL BLOCKS SHALL NOT BE PLACED WITHIN ONE QUARTER (1/4) MILE OF SPRINGS, STREAMS, MEADOWS, RIPARIAN HABITATS, OR ASPEN STANDS.

THE PERMITTEE IS REQUIRED TO PERFORM NORMAL MAINTENANCE ON THE RANGE IMPROVEMENTS AS PER THEIR SIGNED COOPERATIVE AGREEMENTS/SECTION 4 PERMITS PRIOR TO TURNING OUT IN A PASTURE OR USE AREA SCHEDULED FOR LIVESTOCK USE.

THE PERMITTEE'S CERTIFIED ACTUAL USE REPORT, BY PASTURE/USE AREA, IS DUE 15 DAYS AFTER THE END OF THE AUTHORIZED GRAZING PERIOD.

IF PAYMENT IS NOT RECEIVED WITHIN 15 DAYS OF THE DUE DATE, YOU WILL BE CHARGED A LATE FEE ASSESSMENT OF \$25.00 OR 10% OF THE GRAZING BILL WHICHEVER IS GREATER, NOT TO EXCEED \$250.00. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS OF THE DUE DATE MAY RESULT IN TRESPASS ACTION.

OPERATOR NUMBER: 272202

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00055 DEER CREEK	754	1089	1843

THIS PERMIT ; 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND TO MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:

SIGNATURE OF PERMITTEE: _____ DATE _____

AREA MANAGER: _____ DATE _____



**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 - Dyke Hot Allotment

Dear Mr. Christensen:

Thank you for consulting the Commission concerning the issuance of the 10 year term permit for Dyke Hot Allotment. We appreciate the terms and conditions established in the multiple use decision.

We encourage the District to continue to implement the land use plan through all of its administrative procedures and duties.

Sincerely,

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

CATHERINE BARCOMB
Executive Director