

11/10/88



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
WINNEMUCCA DISTRICT OFFICE  
705 EAST 4TH STREET  
WINNEMUCCA, NEVADA 89445

IN REPLY REFER TO  
4120/4730  
(NV-023.3)

November 10, 1988

Nancy Whitaker  
Animal Protection Institute of America  
P.O. Box 22505  
Sacramento, CA 95822

Dear Ms. Whitaker:

Enclosed is the information that you requested in your October 28, 1988 Freedom of Information Act (FOIA) request and your amended November 3, 1988 (FOIA) request. Please note, that the 1987 grazing year data was also added for your information.

| Herd Management Area  | Allotments                      | Allotment AUM Preference | Allotment Renewable | Temporary Non (TNR) AUMs |
|-----------------------|---------------------------------|--------------------------|---------------------|--------------------------|
|                       |                                 |                          | 1987                | 1988                     |
| Black Rock (West)     | Soldier Meadows                 | 16,070                   | 0                   | 0                        |
| Blue Wing Mountains   | Blue Wing                       | 24,329                   | 0                   | 0                        |
| Buffalo Hills         | Buffalo Hills                   | 3,392                    | 662                 | 465                      |
| Calico Mountain       | Buffalo Hills                   | 3,392                    | 0                   | 0                        |
|                       | Leadville                       | 2,567                    | 0                   | 0                        |
|                       | Soldier Meadows                 | 16,070                   | 0                   | 0                        |
| Fox and Lake Range    | Pole Canyon                     | 540                      | 0                   | 0                        |
|                       | Rodeo Creek                     | 6,462                    | 0                   | 0                        |
| Granite Range         | Buffalo Hills                   | 3,392                    | 414                 | 291                      |
| Kamma Mountains       | Seven Troughs                   | 9,525                    | 0                   | 0                        |
| Lava Beds             | Blue Wing                       | 24,329                   | 0                   | 0                        |
|                       | Seven Troughs                   | 9,525                    | 0                   | 0                        |
| Nightingale Mountains | Blue Wing                       | 24,329                   | 0                   | 0                        |
| Sevens Troughs        | Seven Troughs                   | 9,525                    | 0                   | 0                        |
|                       | Blue Wing                       | 24,329                   | 0                   | 0                        |
| Shawave Mountains     | Blue Wing                       | 24,329                   | 0                   | 0                        |
| Stillwater Range      | Cottonwood Canyon <sup>1/</sup> | 60                       | 0                   | 0                        |
|                       | Jersey Valley <sup>1/</sup>     | 1,581                    | 0                   | 0                        |
|                       | Pleasant Valley                 | 10,563                   | 0                   | 0                        |
|                       | Rawhide                         | 2,721                    | 0                   | 0                        |
|                       | Rochester                       | 3,964                    | 0                   | 0                        |
|                       | South Buffalo <sup>2/</sup>     | 9,035                    | 0                   | 0                        |

| Herd Management Area       | Allotments                  | Allotment AUM Preference | Allotment Renewable 1987 | Temporary Non (TNR) AUMs 1988 |
|----------------------------|-----------------------------|--------------------------|--------------------------|-------------------------------|
| Tobin Range                | Goldbanks                   | 2,051                    | 0                        | 0                             |
|                            | Pleasant Valley             | 10,563                   | 0                        | 0                             |
|                            | Pumpernickel                | 9,437                    | 828                      | 0                             |
|                            | South Buffalo <sup>2/</sup> | 9,035                    | 0                        | 0                             |
| Warm Springs Canyon        | Soldier Meadows             | 16,070                   | 0                        | 0                             |
| McGee Mountain             | Alder Creek                 | 11,787                   | 0                        | 0                             |
|                            | Wilder Bilk                 | 17,419                   | 0                        | 0                             |
| Jackson Mountains          | Jackson Mtn.                | 8,857                    | 0                        | 0                             |
|                            | Deer Creek                  | 754                      | 0                        | 0                             |
|                            | Desert Valley               | 1,596                    | 0                        | 0                             |
|                            | Happy Creek                 | 3,724                    | 0                        | 0                             |
|                            | Wilder Bilk                 | 17,419                   | 0                        | 0                             |
| Black Rock Range East      | Paiute Meadows              | 7,827                    | 0                        | 0                             |
| Little Owyhee Spring Range | Little Owyhee               | 27,800                   | 0                        | 0                             |
| Snowstorm Mountains        | Bullhead                    | 12,050                   | 0                        | 6,848                         |
|                            | Little Owyhee               | 27,800                   | 0                        | 0                             |

1/ ADMINISTERED BY THE CARSON CITY DISTRICT

2/ ADMINISTERED BY THE BATTLE MOUNTAIN DISTRICT

The circumstances that the above TNR permits were issued are:

1. Buffalo Hills Allotment TNR was issued during both 1987 and 1988 grazing seasons due to the available forage in the uplands.
2. Pumpernickel Allotment TNR was issued to the permittee on a temporary basis until his transfer of the permit was completed. The total aum preference for this allotment was not exceeded with this TNR.
3. Bullhead Allotment TNR was issued to the permittee on a temporary basis until his transfer of the permit was completed. The total aum preference for this allotment was not exceeded with this TNR.

The answer to your question on the TNR that has been authorized in the past three or four years. To the best of my staffs knowledge, the Buffalo Hills Allotment is the only allotment in a herd management area that TNR has been authorized due to an increase of available forage.

You noted in your amended FOIA an interest in being updated on the Little Owyhee and Snowstorm Allotments. You need to specify the information that you are interested in.

As per FOIA regulations, we must charge you for our time in putting this information together. Most of the time was spent on gathering the information that you requested.

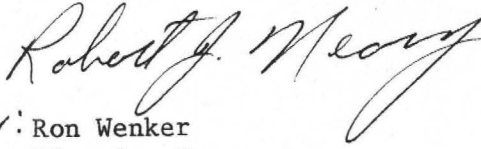
|   |   |                |
|---|---|----------------|
| 56 minutes professional time at 18.60/hr. | = | \$17.36        |
| 15 minutes clerical time at 9.20/hr.      | = | 2.30           |
| 2 xerox pages at \$.13/page               | = | .26            |
| TOTAL                                     |   | <u>\$19.92</u> |

Please remit nineteen dollars and ninety-two cents (\$19.92) with the enclosed bill to:

Department of the Interior  
Bureau of Land Management  
705 East 4th Street  
Winnemucca, Nevada 89445

Thank you for your interest in Public Land Management.

Sincerely yours,

  
For: Ron Wenker  
District Manager

Enclosure

**Memorandum**DEP.  
BURI

IN REPLY REFER TO:

4000

(NV-023.3)

To : Winnemucca District Personnel

Date: January 6, 1984

FROM : District Manager, Winnemucca

SUBJECT: Temporary Nonrenewable Grazing Authorizations

As provided for in the grazing regulations, (Title 43 CFR 4130.4-2) temporary nonrenewable (TNR) grazing use may be issued to qualified applicants provided this use is consistent with the multiple-use objectives of the allotment and does not interfere with existing livestock operations on the public lands. Requests for TNR grazing use must be made to the Area Manager and filed on the Grazing application - Grazing Schedule, Form 4130-1.

TNR requests may be approved where monitoring data is available to determine if this additional use would be consistent with the multiple-use objectives established for the allotment. All monitoring data to be used must meet the minimum standards for procedures and methodologies established by the Nevada Range Studies Task Group (1981). TNR requests must be made at least two weeks prior to the end of the authorized grazing period to allow sufficient time for District personnel to conduct the required field investigations.

The required field investigations are necessary to examine all the grazed pastures, as well as the pasture in which the additional use is requested. Field investigations, preferably throughout the grazing season, must collect and document the level of grazing utilization per pasture, generally within 10 days after the close of grazing in each pasture and the actual livestock grazing use records by pasture must be collected from the permittee. This data (actual use and utilization) combined with up-to-date condition and trend monitoring data can then be analyzed to determine if the additional use would be consistent with the multiple-use objectives established for the allotment. However, many allotments do not have up-to-date condition and trend data available, therefore, the estimated present condition and trend data shown in each Grazing Environmental Impact Statement should be considered the best available monitoring data, when making the determination whether or not to authorize TNR grazing use.

Multiple-use management objectives that should be considered, among others, are: the allowable utilization levels for key management species per allotment, wildlife seasonal use area requirements, wild horse and burro herd use area requirements, and moisture conditions in relation to soil compaction. These multiple-use management objectives for each allotment can be found in several places: activity plans, CRMPs, land use plans (MFP III), Grazing Environmental Impact Statements, and the Rangeland Program Summaries.

When TNR is authorized, the terms and conditions of authorization should describe the limiting factors, and rationale and/or objectives to be accomplished by authorizing the additional use. All TNR grazing use must be

billed at the designated AUM rate established for each grazing fee year by the Secretary of the Interior. Each TNR authorization is considered a supplemental billing notice and must be accompanied by the required service charge, upon application.

Nonuse may be authorized in allotments for various reasons, such as, conservation and protection of the public lands; annual fluctuation of livestock operations; financial or other reasons beyond control of the operator; or livestock disease or quarantine. Requests for TNR on allotments where nonuse has been authorized should be handled as specified above with the following exceptions:

TNR requests by other permittees must not be approved in allotments where nonuse by the authorized user has been approved for conservation and protection of the public lands. The approval of nonuse for conservation and protection of the public lands has indicated the need for rest or reduced grazing use in the allotment, and the allowance of TNR would be inconsistent with the existing authorization. In addition, a request for TNR grazing use in an allotment where nonuse has been approved because of livestock disease or quarantine should be denied if this use would conflict with State and/or Federal animal health requirements.

It must be pointed out that there will be exceptions to this policy to accommodate emergency situations, e.g., base property flooding, fire, severe winter storms, permittee sickness or death, etc.

*Frank C. Shields*

cc: District Manager  
Area Managers  
Range Staff Officer  
Chief of Resources  
All District Range Conservationists





# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
NEVADA STATE OFFICE  
850 HARVARD WAY  
P.O. BOX 12000  
RENO, NEVADA 89520-0006



IN REPLY REFER TO:

4700  
(NV-931.5)  
FOIA 88-22

NOV 5 1988

Nancy Whitaker, Program Assistant  
Animal Protection Institute of America  
2831 Fruitridge Road  
P. O. Box 22505  
Sacramento, CA 95822

Dear Ms. Whitaker:

We are in receipt of your FOIA request concerning the status of Stewardship Allotment Plans. A response is being prepared by the Battle Mountain District where the program is being experimented. Your request will be answered as soon as the information has been compiled.

If you have any questions, please direct them to Dave Griggs at (702) 784-5455.

Sincerely,

FOI  
Edward F. Spang  
State Director, Nevada

cc: DSD, Administration



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
BATTLE MOUNTAIN DISTRICT  
OFFICE

2nd & Scott Street  
P.O. Box 1420  
Battle Mountain, NV 89820



IN REPLY REFER TO  
1270.11  
NV-060-FI9-002  
(NV-063.9)

Ms. Nancy Whitaker, Program Assistant  
Animal Protection Institute of America  
2831 Fruitridge Road  
P.O. Box 22505  
Sacramento, California 95822

DEC - 8

Dear Ms. Whitaker:

This is in response to your Freedom of Information Request dated November 14, 1988.

Below are those allotments where temporary non-renewable use was licensed during the 1987-88 grazing season:

|                  |     |
|------------------|-----|
| Hicks Station    | 180 |
| Willow Racetrack | 3   |
| Copper Canyon    | 2   |
| San Juan         | 64  |
| Nyala            | 1   |
| Wagon Johnnie    | 400 |

There are no Stewardship Allotment Management Plans in the Shoshone-Eureka Resource Area.

The charge for researching the files is as follows:

1 hour at \$4.65/¼ hour = \$18.60

Please make check payable to USDI - Bureau of Land Management.

Sincerely,

Terry L. Plummer  
District Manager



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

### ELKO DISTRICT OFFICE

3900 E. Idaho Street  
P.O. Box 831  
Elko, Nevada 89801



IN REPLY REFER TO:

4700(NV-013)

Animal Protection Institute of America  
Attention: Ms. Nancy Whitaker  
2831 Fruitridge Road  
P.O. Box 22505  
Sacramento, CA 94822

Dear Ms. Whitaker:

The policy on TNR in the Elko District is to only issue TNR on crested wheat grass seedings and in native range allotments under intensive grazing systems. TNR is only issued when current year's utilization is less than 50 percent, when preference has been used and when an application is properly submitted.

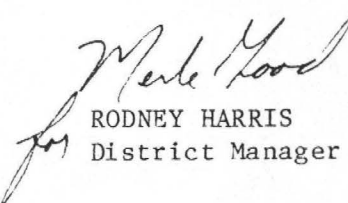
Since there are no seedings or intensive grazing systems currently in herd management areas, wild horses have not been involved in TNR authorizations.

There are no stewardship areas in the Elko District. There is only one stewardship area in Nevada, and that is in the Tonopah Resource Area of the Battle Mountain District.

Since developing the information submitted herewith was less than \$15.00, we are waiving the Freedom of Information fee.

If you have further questions, feel free to contact Bruce Portwood, the Wild Horse Specialist on my staff.

Sincerely yours,

  
for  
RODNEY HARRIS  
District Manager





# United States Department of the Interior

IN REPLY REFER TO:

4700  
(NV-0337)

## BUREAU OF LAND MANAGEMENT CARSON CITY DISTRICT OFFICE

1535 Hot Springs Rd., Ste. 300  
Carson City, Nevada 89701

NOV 04 1988

Animal Protection Institute of America  
2831 Fruitridge Road  
P.O. Box 22505  
Sacramento, CA 95822

Dear Ms. Whitaker:

As per your telephone conversation with John Axtell on November 1, 1988, we are answering only item 3 of your letter dated October 28, 1988. We have not issued any temporary non-renewable permits in any of our wild horse herd areas during the past 8 years (1980-88). This district does not have a written policy statement concerning how, when and why temporary non-renewable AUMs are granted. Each official application must be approved or rejected on a case-by-case basis following a multi-disciplinary analysis of all resource information including wild horses and burros.

If we can be of any further help, please contact us.

Sincerely yours,

James W. Elliott  
District Manager

LAS VEGAS DISTRICT ALLOTMENTS IN HERD MANAGEMENT AREAS

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RESOURCE AREA          HMA NAME           ALLOTMENT          ACTIVE
                        AND NUMBER           NAME              PREFERENCE
=====
STATELINE : AMARGOSA           : NONE             : EPHEMERAL :
           :                       :                   :           :
           : ASH MEADOWS           : CARSON SLOUGH   : EPHEMERAL :
           :                       : SPRING MEADOWS  : EPHEMERAL :
           :                       :                   :           :
           : SPRING MOUNTAIN      : SPRING MOUNTAINS : EPHEMERAL :
           :                       : LUCKY STRIKE    : EPHEMERAL :
           :                       : KYLE CANYON     : EPHEMERAL :
           :                       : WHEELER SLOPE  : EPHEMERAL :
           :                       : WHEELER WASH   : EPHEMERAL :
           :                       : ROSES SPRING   : EPHEMERAL :
           :                       : YOUNTS SPRING  : EPHEMERAL :
           :                       : TABLE MOUNTAIN : EPHEMERAL :
           :                       :                   :           :
           : ELDORADO             : IRETEBA PEAKS  : EPHEMERAL :
           :                       :                   :           :
           : GOLD BUTTE           : GOLD BUTTE     : EPHEMERAL :
           :                       : AZURE RIDGE    : EPHEMERAL :
           :                       :                   :           :
           : LAST CHANCE          : MOUNT STIRLING : EPHEMERAL :
           :                       :                   :           :
           : MUDDY MOUNTAINS     : MUDDY MOUNTAINS : EPHEMERAL :
           :                       : WHITE BASIN    : EPHEMERAL :
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ON EPHEMERAL RANGE, GRAZING PREFERENCE IS EXPRESSED IN THE ALLOTMENTS AREA OF USE NOT IN ANIMAL UNITS MONTHS. TEMPORARY NON-RENEWABLE IS NOT USED FOR EPHEMERAL ALLOTMENTS.

| RESOURCE AREA | RMA NAME AND AUMPTS | ALLOTMENT NAME   | ACTIVE PREFERENCE | LICENSED OR BILLED USE-GRAZING FEE YEAR                                 | AGE CLASS |
|---------------|---------------------|------------------|-------------------|---|-----------|
| CALIENTE      | DEERLODGE           | DEERLODGE        | 167               |   |           |
|               | NV521               | CONDOR CANYON    | 676               |   |           |
|               |                     | RABBIT SPRINGS   | 1122              |   |           |
|               |                     | MOSUFFY SPRING   | 298               |   |           |
|               |                     | WARGANY PEAK     | 617               |   |           |
|               |                     | WILSON CREEK     | 101               |   |           |
|               |                     | TOTAL            | 2981              | 786/87  | NO        |
|               | HIGHLAND PEAK       | HIGHLAND PEAK    | 3704              |   |           |
|               | NV522               | BENNETT SPRING   | 3498              |   |           |
|               |                     | ROCKY HILLS      |                   |   |           |
|               |                     | KLONDIKE         | 678               |   |           |
|               |                     | BLACK CANYON     | 1005              |   |           |
|               |                     | ELY SPR. SHEEP   | 1802              |   |           |
|               |                     | PIOCHE           | 656               |   |           |
|               |                     | TOTAL            | 11343             | 2361/80,2897/81,4213/82,4176/83,3514/84,3462/85,5758/86,4292/87         | NO        |
|               | RATTLESNAKE         | OAK SPRINGS      | 9268              |   |           |
|               | NV523               | RATTLESNAKE      | 1180              |   |           |
|               |                     | TOTAL            | 10448             | 9253/87   | NO        |
|               | LITTLE MOUNTAIN     | BUCKBOARD        | 263               |   |           |
|               | NV519               | CLOVER CREEK     | 613               |   |           |
|               |                     | CAVE             | 129               |   |           |
|               |                     | LITTLE MOUNTAIN  |                   |   |           |
|               |                     | PANACA CATTLE    | 453               |   |           |
|               |                     | ROADSIDE         | 32                |   |           |
|               |                     | WHITE HILLS      | 101               |   |           |
|               |                     | TOTAL            | 1591              |   | NO        |
|               | CLOVER CREEK        | CLOVER CREEK     | 613               |   |           |
|               | NV517               | MUSTANG FLAT     | 147               |   |           |
|               |                     | SAWMILL          | 181               |   |           |
|               |                     | OAK SPRING       | 9268              |   |           |
|               |                     | TOTAL            | 10209             | NDN-USE   | NO        |
|               | DELAMAR             | OAK SPRING       | 9268              |   |           |
|               | NV515               | DELAMAR          | 5558              |   |           |
|               |                     | LOWER RIGGS      | 1408              |   |           |
|               |                     | RAINBOW          | 665               |   |           |
|               |                     | TOTAL            | 16899             | 14721/80,12376/81,12145/82,12408/83,12536/84,10353/85,14322/86,13202/87 | NO        |
|               | MORMON MOUNTAIN     | MORMON PEAK      | 600               |   |           |
|               | NV512               | HENRIE           | 1950              |   |           |
|               |                     | WHITE ROCK       | 2880              |   |           |
|               |                     | TOTAL            | 5430              | 4020/87   | NO        |
|               | MEADOW VALLEY       | HENRIE           | 1950              |   |           |
|               | MOUNTAIN            | MORRISON-WENGENT | 2210              |   |           |
|               | NV513               | SCHLARMAN        | 240               |   |           |
|               |                     | TOTAL            | 4400              | 3674/87   | NO        |
|               | MILLER FLAT         | OAKWELLS         | 511               |   |           |
|               | NV520               | CLOVER CREEK     | 613               |   |           |
|               |                     | RABBIT SPRINGS   | 1122              |   |           |
|               |                     | SHEEP SPRINGS    | 409               |   |           |
|               |                     | SHEEP FLAT       | 1977              |   |           |
|               |                     | UVADA            | 355               |   |           |
|               |                     | TOTAL            | 4967              | 1127/80,2373/81,1948/82,4353/83,2234/84,2485/85,3070/86,2583/87         | NO        |
|               | BLUE NOSE PEAK      | GARDEN SPRING    | 2609              |   |           |
|               | NV514               | HENRIE           | 1950              |   |           |
|               |                     | WHITE ROCK       | 2880              |   |           |
|               |                     | TOTAL            | 7439              | 6136/87   | NO        |
|               | CLOVER MOUNTAIN     | APPLEWHITE       | 562               |   |           |
|               | NV516               | COTTONWOOD       | 1296              |   |           |
|               |                     | SAND HILLS       | 229               |   |           |
|               |                     | PENNSYLVANIA     | 588               |   |           |
|               |                     | SHEEP FLAT       | 1977              |   |           |
|               |                     | TOTAL            | 4652              | 3756/87   | NO        |
|               | APPLEWHITE          | APPLEWHITE       | 562               | 562/87  | NO        |
|               | NV518               |                  |                   |   |           |
|               |                     |                  |                   |   |           |
|               | NEVADA WILD         | N/A              | N/A               | NO LIVESTOCK GRAZING IN AREA MILITARY WITHDRAWL                         |           |
|               | HORSE RANGE         |                  |                   |   |           |
|               | NV524               |                  |                   |   |           |



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
LAS VEGAS DISTRICT OFFICE  
4765 VEGAS DRIVE  
P.O. BOX 26569  
LAS VEGAS, NEVADA 89126

IN REPLY REFER TO:

4000  
(NV-053)

**FEB 22 1989**

Animal Protection Institute  
Nancy Whitaker, Program Department  
2831 Fruitridge Road  
P.O. Box 22505  
Sacramento, California 95822

Dear Ms. Whitaker:

I want to apologize for the delay in answering your request for information. My staff said they called you for clarification on what you wanted.

I've attached two tables displaying the allotments within each herd management area and the animal unit months (AUM) preference and a copy of the Federal Regulations, 43 CFR 4130.4-2, concerning nonrenewable grazing permits and leases.

The total use for the allotments within the Caliente Resource Areas's wild horse and burro herd management areas is below preference. Caliente's table elaborates on this. Consequently, no temporary non-renewable (TNR) use is identified in the table.

All the allotments in the Stateline Resource Area are managed as ephemeral range. Grazing use is predicated on the presence of sufficient forage being available as determined through a field check. Temporary non-renewable permits are not used for ephemeral range allotments. On ephemeral range allotments, grazing preference is expressed in the allotments area of use not in animal unit months.

This is why no preference AUM's or TNR are included in Stateline Resource Area's table.

If you have any question, please direct them to Bob Stager of my staff at (702) 646-8800.

Sincerely,

*Ben F. Collins*  
Ben F. Collins  
District Manager

3 Attachments

1. Caliente Table, 1 pg.
2. Stateline Table, 1 pg.
3. Copy CFR, 1 pg.



§ 4130.4

§ 4130.4 Other grazing authorizations.

Exchange-of-use grazing agreements, nonrenewable grazing permits or leases, crossing permits, and special grazing permits or leases have no priority for renewal and cannot be transferred or assigned.

[43 FR 29067, July 5, 1978, as amended at 47 FR 41711, Sept. 21, 1982]

§ 4130.4-1 Exchange-of-use grazing agreements.

(a) An exchange-of-use grazing agreement may be issued to any applicant who owns or controls lands which are unfenced and intermingled with public lands when use under such an agreement would be in harmony with the management objectives for the allotment.

(b) An exchange-of-use grazing agreement may be issued to authorize use of public lands to the extent of the livestock grazing capacity of the lands offered in exchange-of-use. No fee shall be charged for this grazing use.

(43 U.S.C. 315 et seq.; 43 U.S.C. 1701 et seq.; 43 U.S.C. 1901 et seq.)

[45 FR 47105, July 11, 1980, as amended at 49 FR 6453, Feb. 21, 1984]

§ 4130.4-2 Nonrenewable grazing permits and leases.

Nonrenewable grazing permits or leases may be issued on an annual basis to qualified applicants when forage is temporarily available, provided this use is consistent with multiple-use objectives and does not interfere with existing livestock operations on the public lands.

[47 FR 41711, Sept. 21, 1982]

§ 4130.4-3 Crossing permits.

Any applicant showing the necessity for crossing the public land or other land under Bureau of Land Management control, or both, with livestock for proper and lawful purposes may be issued a crossing permit upon such terms and conditions deemed necessary by the authorized officer to achieve the objectives of this part.

43 CFR Ch II (10-1-87 Edition)

§ 4130.4-4 Special grazing permits or leases.

Special grazing permits or leases authorizing grazing use by privately owned or controlled indigenous animals may be issued at the discretion of the authorized officer. This use shall be consistent with multiple-use objectives. These permits or leases shall be issued for a term deemed appropriate by the authorized officer not to exceed 10 years.

[43 FR 29067, July 5, 1978, as amended at 47 FR 41711, Sept. 21, 1982]

§ 4130.5 Ownership and identification of livestock.

(a) The permittee or lessee shall own or control and be responsible for the management of the livestock which graze the public land under a grazing permit or lease.

(b) Authorized users shall comply with the requirements of the State in which the public lands are located relating to branding of livestock, breed, grade, and number of bulls, health and sanitation.

(c) The authorized officer may require counting and/or additional special marking or tagging of the authorized livestock in order to promote the orderly administration of the public lands.

(d) Where a permittee or lessee controls but does not own the livestock which graze the public lands, the agreement that gives the permittee or lessee control of the livestock shall be filed with the authorized officer.

(e) The brand and other identifying marks on livestock controlled, but not owned, by the permittee or lessee shall be filed with the authorized officer.

(43 U.S.C. 315 et seq.; 43 U.S.C. 1701 et seq.; 43 U.S.C. 1901 et seq.)

[49 FR 6453, Feb. 21, 1984; 49 FR 12704, Mar. 30, 1984, as amended at 50 FR 45827, Nov. 4, 1985]

§ 4130.5-1 Payment of fees.

(a) Grazing fees shall be established annually by the Secretary based upon the grazing fee formula in the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901).

Bureau of Land Management, Interior

(b) The fees for each grazing fee year shall be published annually in the FEDERAL REGISTER.

(c) Fees shall be charged for livestock grazing upon or crossing the public lands and other lands administered by the Bureau of Land Management at a specified rate per animal unit month. A minimum annual fee of \$10 shall be charged for livestock grazing upon these lands.

(d) The full fee shall be charged for each paying animal unit, which is defined as each animal six (6) months of age or over at the time of entering public lands, for all weaned animals regardless of age, and for such animals as will become twelve (12) months of age during the authorized period of use. No charge will be made for animals under six (6) months of age at the time of entering public lands, that are the natural progeny of animals upon which fees are paid, provided they will not become twelve (12) months of age during the authorized period of use, or for progeny born during that period.

(e) Fees are due upon issuance of the billing notice and shall be paid in full prior to grazing use except where an allotment management plan providing for later payment has been incorporated in a grazing permit or lease. In such cases, a billing notice based on certified actual use may be issued at the end of the grazing period or year, or a billing notice based on the normal operation may be issued prior to the grazing period or year followed by an adjusted billing notice based on certified actual use after grazing use has been completed. If a certified actual use report is not submitted, the amount due shall be based on grazing use at the upper limit of flexibility specified in the allotment management plan. Actual use billing privileges shall be cancelled by the authorized officer where the permittee or lessee fails or refuses to:

- (1) Submit a timely certified actual use report; or
(2) Make timely payment upon issuance of a billing notice based upon a certified actual use report or, if the actual use report has not been submitted, the upper limit of flexibility speci-