



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-026.11
4160

January 31, 1996

CERTIFIED MAIL NO.P383118537
RETURN RECEIPT REQUESTED

NOTICE OF AREA MANAGER'S PROPOSED DECISION

Wesley Cook
P.O. Box 101
Cedarville, Ca. 96104

Dear Mr. Cook:

I have received your signed "Acceptance of Terms & Conditions and Request For Grazing Permit" form for the Blue Wing Allotment. I have determined that you are a qualified applicant and that the above listed allotment is designated as available for livestock grazing through the Sonoma Gerlach 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 this 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 Permit.

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 Bud C. Cribley, Sonoma Gerlach 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.

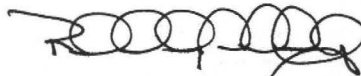
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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,



Bud C. Cribley, Area Manager
Sonoma Gerlach Resource Area

Certified CC:

C-Punch Ranch Inc.
Tim DeLong Family Trust
Dufurrena Sheep Co.

John Espil
Wesley Cook
Nv. Commission for the Preservation of wild Horses
Wild Horse Organized Assistance
President, Pershing Co. Concerned Citizens
Division of Wildlife - Fallon
Sierra Club- Toiyabe Chapter
Natural Resources Defense Council
The Wilderness Society
Humane Society of U.S.
International Society for the Protection of Mustangs/Burros
Pershing Co. Sportsmen's Assoc.
Nv. Land & Resources Co.
Federal Land Bank of Sacramento
Lassen Production Credit Association
Bob Irvin
Soil Conservation Service
Honorable Harry Reid
Pershing Co. Commissioners
Nv. Div. of Wildlife - Reno

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE NV
OFFICE 026
OPERATOR NUMBER 272017
PREFERENCE CODE 03
DATE PRINTED 01/31/96
TERM 03/01/1996 TO 02/28/2006

GRAZING PERMIT

COOK, WESLEY

PO BOX 101
CEDARVILLE, CA 96104

BUREAU OF LAND MANAGEMENT
SONOMA-GERLACH 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	%PL	USE	
00130 COYOTE	1000	SHEEP	05/01	05/25	100	ACTIVE	164
00135 BLUE WING	4320	SHEEP	12/07	03/17	100	ACTIVE	2869

TERMS AND CONDITIONS:

THE LIVESTOCK NUMBERS, SEASON OF USE, AND OTHER CONDITIONS ARE IN ACCORDANCE WITH THE FULL FORCE AND EFFECT MULTIPLE USE DEC. DATED 12-6-94. GRAZING AREAS WILL BE AGREED TO PRIOR TO THE GRAZING SEASON. GRAZING IN THE COYOTE ALLOTMENT WILL BE IN ACCORDANCE WITH THE REVISED COYOTE CREEK AMP. NO SHEEP USE WILL BE ALLOWED IN THE LONE JUNIFER AND JONES FLAT PASTURES. YOU MUST APPLY FOR A TRAILING PERMIT 10 DAYS PRIOR TO TRAILING. ACCURATE ACTUAL USE WILL BE SUBMITTED WITHIN 15 DAYS OF LIVE STOCK BEING REMOVED. THE PERMITTEE IS REQUIRED TO PERFORM NORMAL MAINTENANCE ON THE RANGE IMPROVEMENT PROJECTS WHICH HAVE BEEN ASSIGNED. NO SALT AND/OR MINERAL BLOCKS SHALL BE PLACED WITHIN ONE QUARTER (1/4) MILE OF SPRINGS, MEADOWS, STREAMS, RIPARIAN HABITATS OR ASPEN STANDS. IN THE EVENT THAT TOPOGRAPHY AND/OR AVAILABLE WATER SOURCES DO NOT ALLOW FOR THE 1/4 MILE REQUIREMENT, COORDINATION WILL BE NECESSARY WITH BLM PERSONNEL PRIOR TO PLACEMENT OF SALT AND/OR MINERAL BLOCKS. YOU MUST APPLY FOR A TRAILING PERMIT 10 DAYS PRIOR TO START OF TRAIL.



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

February 8, 1996

Mr. Bud Cribley
Sonoma Gerlach Resource Area
Bureau of Land Management
705 East Fourth Street
Winnemucca, Nevada 89445

Subject: Bluewing/Seven Troughs Proposed Decisions

Dear Mr. Cribley:

The Commission for the Preservation of Wild Horses has reviewed the proposed decisions to issue 10 year term permits for all domestic sheep grazing within the Bluewing/Seven Troughs Allotments. The Bluewing/Seven Trough Allotment Evaluation determined that domestic sheep did not contribute to the overgrazing problems occurring on these allotments. Multiple use decisions were issued affecting these permits.

We recognize the issuance of 10 year grazing permits as an administrative extension of these multiple use decisions. It would be appropriate to recognize any term or condition that the multiple use decision implemented.

In the past, managers have contented that there was no authority to implement land use planning without specific terms and conditions in appropriate decisions. These 10 year permits contain no specific terms or conditions above the standard operating procedures found in a 15 year old land use plan.

Your attention on this matter would be appreciated.

Sincerely,

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

CATHERINE BARCOMB
Executive Director