



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office  
705 East 4th Street  
Winnemucca, Nevada 89445

3/12/96

In Reply Refer To:

(NV-241.3)  
4160

March 12, 1996

CERTIFIED MAIL NO. P383115189  
RETURN RECEIPT REQUESTED

Mrs. Dawn Lappin  
Wild Horse Organized Assistance  
P.O. Box 555  
Reno, NV 89504

Dear Interested Public:

Enclosed are copies of a term grazing permit and Proposed Decision for the Little Owyhee Allotment for which I have determined the applicant as being qualified. The terms and conditions for this permit are appropriate to achieve the management and resource condition objectives for the allotment. Additionally, the terms and conditions are in conformance with 43 CFR 4180 (Fundamentals of Rangeland Health).

This is in accordance with the Code of Federal Regulations 43 CFR 4130.2(b) which states:

"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 interested publics prior to issuance or renewal of grazing permits and leases".

If you should have any questions, please feel free to contact Gene Seidlitz at (702) 623-1500.

Sincerely yours,

Area Manager  
Paradise-Denio Resource Area

Enclosures(2)





# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

WINNEMUCCA DISTRICT OFFICE

705 East 4th Street

Winnemucca, Nevada 89445

MAR 12 1996

(NV-241.3)

4110.2-3/4130.2

CERTIFIED MAIL NO.P383115177  
RETURN RECEIPT REQUESTED

## NOTICE OF AREA MANAGER'S PROPOSED DECISION

Jerry Harper  
P.O. Box 93  
Paradise Valley, NV 89426

Dear Mr. Harper:

I have reviewed your request for transfer of a portion of the grazing privileges on the Little Owyhee Allotment. I have determined that you are a qualified applicant and that the Little Owyhee Allotment is designated as available for livestock grazing through the Paradise Denio Management Framework Plan.

I have further determined that the Terms and Conditions which are being offered 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 and upon your acceptance, to approve the transfer of grazing preference from Nevada First Corporation to yourself.

### 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 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:

4100.08 "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 1601.05(b)."

4110.2-3(4) "The transferee shall file an application for a grazing permit or lease to the extent of the transferred preference simultaneously with filing a transfer application."

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, 4130.31, and 4130.32."

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."



4130.31(a) "The authorized officer may 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."

4130.32 "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 applicants, 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 decision under Sec. 43 CFR 4160.1, in person or in writing to Pete Christensen, Paradise Denio 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, Area Manager  
Paradise-Denio Resource Area

cc

P383115178 NRDC  
P383115179 Sierra Club-Toiyabe Chapter  
P383115180 Craig C. Downer  
P383115181 The Wilderness Society  
P383115182 NDOW-Fallon  
P383115183 Mr. John Marvel  
P383115184 Nevada Land Action  
P383115185 Resource Concepts, Inc.  
P383115186 Santa Rosa Ranger District  
P383115187 Nevada Farm Bureau Federation  
P383115188 USFWS  
P383115189 WHOA  
P383115190 CPWH  
P383115191 Humboldt County Commissioners  
P383115192 Jim Shepherd  
P383115193 Nevada Bighorns Unlimited  
P383115194 Nevada First Corporation



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

STATE NV  
OFFICE 024  
OPERATOR NUMBER 272155  
PREFERENCE CODE 03  
DATE PRINTED 02/26/96  
TERM 03/01/1996 TO 02/28/1999

GRAZING PERMIT

HARPER, JERRY

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

P.O. BOX 93  
PARADISE VALLEY, NV 89426

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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.  
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ALLOT ----- PASTURE -----	LIVESTOCK		GRAZING PERIOD		TYPE		AUM'S -----
	NUMBER	KIND	BEGIN	END	%PL	USE	
00036 LITTLE OWYHEE	150	CATTLE	03/01	03/15	100	ACTIVE	74
	650	CATTLE	03/16	04/30	100	ACTIVE	983
	675	CATTLE	05/01	07/15	100	ACTIVE	1687
	622	CATTLE	07/16	08/31	100	ACTIVE	961
	100	CATTLE	11/01	02/28	100	ACTIVE	395

TERMS AND CONDITIONS:

GRAZING USE WILL BE IN ACCORDANCE WITH STIPULATION FOR DISMISSAL OF THE NEVADA FIRST CORPORATION APPEALS SIGNED 02/10/95 AND 02/17/95.

LIVESTOCK USE IS NOT AUTHORIZED IN THE FOLLOWING EXCLOSURES:

LONE WILLOW EXCLOSURE T46N., R41E., SEC. 1, 6, 7, AND 12  
MAHOGANY RIDGE EXCLOSURE T46N., R41E., SEC. 14, 15, 22, 23  
ANTELOPE SPRING EXCLOSURE T45N., R42E., SEC. 28, 29, 33  
OWYHEE RESERVOIR #3 EXCLOSURE T47N. R.41E., SEC. 25  
OTHER EXCLOSURES AS IDENTIFIED IN THE DISMISSAL

ANY LIVESTOCK OWNED OR CONTROLLED BY THE PERMITTEE MUST BE EARTAGGED THE PERMITTEE MUST SUBMIT TO THE BLM A LIST OF PRIVATE EAR TAGS WHICH WILL INCLUDE NUMBERS AND COLORS.

THE ANNUAL GRAZING AUTHORIZATION ALONG WITH THE SCHEDULE OF USE OUTLINED IN THE STIPULATION FOR DISMISSAL WILL BE THE ONLY APPROVED USE. ALL OTHER SCHEDULES, FLEXIBILITIES AND TERMS AND CONDITIONS ADDRESSED



OPERATOR NUMBER: 272155

IN THE 1972 AMP, THE 1982 CRMP AND OCTOBER 21-22, 1987, TRT RECOMMENDATIONS ARE SUSPENDED UNTIL THE PLANS ARE REVISED.

IF MONITORING AT THE END OF THE GRAZING SEASON IN THE CAPITAL PEAK PASTURE INDICATES THAT UTILIZATION OBJECTIVES WERE NOT MET ON WETLAND RIPARIAN HABITATS, APPROPRIATE CORRECTIVE ACTIONS WILL BE TAKEN THE FOLLOWING YEAR. IF BLM, NFC AND AFFECTED INTERESTS CANNOT AGREE AS TO WHAT THE "APPROPRIATE" MANAGEMENT ACTION OR DAYS SHOULD BE, FIFTEEN (15) DAYS WILL BE TAKEN FROM THE ENDING DATE OF THE SEASON OF USE. SUBSEQUENT ADJUSTMENTS DETERMINED THROUGH MONITORING WILL ALSO BE MADE

NO WATER SOURCE, AND ACCOMPANYING SERVICE AREA WILL BE SCHEDULED FOR USE MORE THAN TWO YEARS IN A ROW. THE THIRD YEAR THE AREA WILL BE RESTED.

ADDITIONAL SPRING USE MAY BE AUTHORIZED IF 70% OF THE SCHEDULED WATER SOURCES FOR THE YEAR CONTAIN SUFFICIENT WATER AND UTILIZATION AT THE END OF THE NORMAL USE PERIOD IS LESS THAN 50%.

THE AUTHORIZATION OF ADDITIONAL SPRING USE WILL NOT RESULT IN SCHEDULE USE IN THE ANTELOPE #1, ANTELOPE #2, AND ROCK SPRING PASTURES PAST 07/27 AND USE IN THE CAPITAL PEAK PASTURE NOT EXTEND PAST 08/15.

SPRING AND FALL/WINTER USE AREAS WILL BE IDENTIFIED BY NFC AND BLM DURING THE GRAZING APPLICATION PROCESS.

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 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: 272155

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00036 LITTLE OWYHEE	4100		4100

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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 \_\_\_\_\_



3/19/96

BOB MILLER  
Governor

STATE OF NEVADA

CATHERINE BARCOMB  
Executive Director



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

**255 W. Moana Lane**

**Suite 207A**

**Reno, Nevada 89509**

**(702) 688-2626**

March 19, 1996

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

Subject: Little Owhyee Allotment - 10 License

Dear Mr. Christensen:

Thank you for consulting the Commission for the Preservation of Wild Horses concerning the issuance of a long term grazing permit for the Little Owhyee Allotment. This allotment has received a multiple use decision that established an appropriate management level for the Little Owhyee Wild Horse Herd.

Despite the series of administrative appeals, the parties have a stipulated agreement that will protect the natural resources important to all uses. We appreciate the inclusion of terms and conditions based upon our agreements.

We appreciate the efforts of the Paradise-Denio Resource Area.

Sincerely,

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

CATHERINE BARCOMB  
Executive Director