



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

IN REPLY REFER TO:

4160
(NV-241.3)

February 7, 1994

CERTIFIED MAIL NO. P111849938
RETURN RECEIPT REQUESTED

Notice of Area Manager's Proposed Decision

Nevada First Corporation
P.O. Box 490
Winnemucca, NV 89445

Dear Mr. Bengochea:

On December 6, 1992, I issued a Draft Bullhead Allotment Evaluation for your review and comments. On January 27, 1993, I received comments from Charley Amos concerning the Draft Bullhead Allotment Evaluation. On February 19, 1993, a meeting was held between you and representatives of the Bureau of Land Management to discuss the livestock management of the Bullhead Allotment. This included discussions on analysis of monitoring data and recommendations for livestock management. With present numbers and season of use, the allotment specific objectives are not being met. Analysis of monitoring data indicates that livestock management practices, stocking levels, and poor livestock distribution, were the primary factors causing unacceptable utilization levels (heavy and severe) within riparian areas and meadows.

On March 26, 1993, I received a grazing application from you for the 1993 grazing season in the Bullhead Allotment. On April 27, 1993, I issued a Final Decision denying your grazing application dated March 26, 1993. You did not appeal this Final Decision and were licensed as per this decision.

On January 19, 1994, I received a grazing application with three differing grazing scenarios for the Bullhead Allotment. This application was as follows:

<u>Scenario</u>	<u>Allotment</u>	<u>Livestock #</u>	<u>Grazing Period</u>	<u>AUMs</u>
1	Bullhead	600	03/01 to 03/31	612
		1000	04/01 to 08/31	5030
		500	11/01 to 02/28	1973
2	Bullhead	200	03/01 to 03/31	204
		250	04/01 to 08/31	1258
		150	11/01 to 02/28	592
3	Bullhead	200	03/01 to 03/31	204
		250	04/01 to 08/31	1258
		233	11/01 to 02/28	919

Tentative Pasture Schedule

03/01 to 03/31	Castle Ridge, Rabbit, Dry Hills
04/01 to 04/30	South 1/2 of First Creek, Seeding, Castle Ridge
05/01 to 05/31	South 1/2 of First Creek, NE Dry Hills, South 1/2 of Kinney, Castle Ridge
06/01 to 06/30	West 1/2 of Winters Ridge (cattle from Castle Ridge, west of Winters Ridge) South 1/2 of Kinney and Lower Kelly
07/01 to 07/31	Upper Kelly
08/01 to 08/31	East 1/2 of Snowstorm Flat (Pole Creek), Upper Kelly
08/20 to 08/31	Start gathering to North 1/2 of Kinney
11/01 to 02/28	Dry Hills, Rabbit

Numbers of cattle in each area, within each time frame, may vary, according to livestock management needs within the respective areas.

In a letter, dated January 20, 1994, it was brought to your attention that I was unable to process this application because it appeared the grazing scenarios that you outlined, in the application, conflicted with each other.

On January 25, 1994, I received a letter from you explaining the grazing application which you submitted on January 19, 1994 and resubmitted on January 25, 1994.

In conversation with you on January 27, 1994, you were informed that the 1994 application would not be approved, and an inquiry was made as to whether you would withdraw your grazing application, which you did not.

Based upon the above information, my proposed decision is to deny your grazing application that was received on January 19, 1994, and to authorize the following use in 1994 that is consistent with the authorized use in 1993.

<u>Pasture</u>	<u>Livestock #</u>	<u>Grazing period</u>	<u>AUMs</u>
Castle Ridge	300	03/01 to 04/30	602
First Creek	666	04/01 to 04/30	657
First Creek	966	05/01 to 06/30	1937
North Snowstorm	412	07/01 to 07/31	420
Kinney	554	07/01 to 07/31	565
Upper Kelly	736	08/01 to 08/31	750
Lower Kelly	230	08/01 to 08/31	234
Dry Hills Rabbit Seeding	253	11/01 to 02/28	998
		Total	6163

Rationale:

Monitoring data analyzed in the 1992 Draft Bullhead Allotment Evaluation indicates that utilization of the vegetative resource in upland habitats is within acceptable utilization levels (slight to moderate). Livestock numbers, as applied for, along with wild horse numbers, will result in unacceptable levels of utilization in the spring and winter pastures.

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 and severe) because of livestock management practices, stocking levels, and poor livestock distribution. An increase in livestock numbers, as proposed in the application dated January 12, 1994, will increase the areas of unacceptable use levels within the summer pastures.

Use in the First Creek Pasture will be west of Spring Creek. Herding of the livestock to insure they are located in the authorized area is required. Use in the Snowstorm Flat Pasture will be north of Winters Ridge. The area south of Winters Ridge will be rested. Any livestock found in areas unauthorized, may be subject to trespass.

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

§4160.2 Any applicant, permittee, lessee or other affected interests may protest the proposed decision under §4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

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 and 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: Charley Amos
NRDC
Craig Downer
Wilderness Society
Desert Bighorn Council
Nevada Dept. of Wildlife (Fallon)
John Marvel
Nevada Land Action Assoc.
Nevada Farm Bureau Federation
James Shepherd
USFWS
Trout Unlimited
Claudia J. Richards
WHOA
Animal Protection Institute
Commission for the Preservation of WH&B
Society for the Protection of Mustangs and Burros
American Horse Protection Association
U.S. Humane Society
Humboldt County Commissioners
Nevada Dept. of Wildlife (Winnemucca)
Nevada Dept. of Wildlife (Elko)
James Bonavia
Area Manager, Elko Resource Area