

2/28/96



# 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-241)  
4160.2

February 28, 1996

Dear Interested Party:

On February 9, 1996, a protest was received from the Commission For The Preservation of Wild Horses on the proposed decisions issued in late January 1996 . The decisions issued for grazing permits for the following allotments were protested:

<u>Allotment</u>	<u>Permittee</u>	<u>Operator Number</u>
Sand Dunes	Pedroli Ranches	272140
Happy Creek	Happy Creek Land Cattle LTD	272141
Scott Springs	Nevada First Corporation	272171
Blue Mountain	DeLong Ranches, Inc.	272180
Bloody Run	Nevada First Corporation	272187
Bottle Creek	DeLong Ranches, Inc.	272195
Bottle Creek	Robert & Susan Hoenck	272199
Bottle Creek	Laura McKearn	2721200
Deer Creek	Rob & Delia Nuffer	2721202

The points of protest and response to them are listed for your information.

Point 1      The Commission for the Preservation of Wild Horses protests the issuance of long term permits in absence of any allotment management plan or functional equivalent to conform to the Paradise-Denio Final Grazing Environmental Impact Statement/Management Framework Plan Decisions. These allotments may or may not directly or indirectly affect wild horse herds within the Winnemucca District.

Response:    The Paradise-Denio Grazing Environmental Impact Statement analyzed the impacts of livestock grazing for all of the allotments protested. As documented by the Record of Decision, the Land Use Plan consists of the integration of the Proposed Action and the Livestock Reduction/Maximizing Wild Horses and Burros alternatives. The grazing permits give the permittees the authorization to graze livestock on public land once signed and approved by the authorized officer. Three of the allotments identified, Bottle Creek, Deer Creek and Happy Creek, have within them Herd Management Areas (HMA) designated for

management of wild horse populations. The remainder of the allotments have Herd Use Areas (HUA) contained within them. The Land Use Plan designated the HUAs as horse free areas. Therefore, on those allotments which contain HUAs livestock grazing does not impact forage for wild horse populations.

Point 2 Federal Regulations Subpart 4120 specifics under Sections 4120.2 that such permits must include terms and conditions that prescribe livestock grazing practices to meet specific resource objectives. Furthermore, item (c) allows the public an opportunity to participate in the planning and environmental analysis of any proposed decision affecting the administration of grazing.

Response: The Code of Federal Regulations Part 4120 pertains to Allotment Management Plans or resource activity plans with certain provision that apply to them. The proposed decisions for the affected grazing permits are not Allotment Management Plans or resource activity plans . The permits do include mandatory terms and conditions in compliance with 43 CFR 4130.3 which states in part " Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the public land ...". The Paradise-Denio Grazing EIS provided for public involvement during the analysis of the livestock grazing alternatives as does the decision process for the term grazing permits.

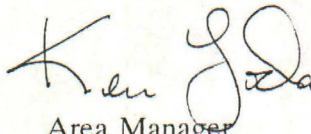
Point 3 The proposed decisions to issue ten year term grazing permits did not receive consultation, cooperation or coordination regarding any resource activity plan or environmental document complying with the National Environmental Policy Act, as required by federal regulations. Theses proposed decisions do not have allotment evaluations, multiple use decisions or environmental assessments. Range monitoring data have not been analyzed to determine actual or potential impacts to wild horses.

Response: As stated above a wide range of grazing alternatives were analyzed, with public participation during the EIS process. The Bureau does not consider the proposed decisions for the term grazing permits as resource activity plans. The Bureau did complete a Plan Conformance/NEPA Compliance Record for the permits. This document is on file in the Winnemucca District Office. A final multiple use decision for the Deer Creek Allotment was issued 2/23/94. The remainder of the grazing permits that were protested will have evaluations completed as time, funding and manpower permit .

If you should have further questions about the points of protest please contact my range staff at (702) 623-1500.

Sincerely yours,

ACTING



Area Manager  
Paradise-Denio Resource Area



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:  
4160.3  
NV0241.5

February 28, 1996

CERTIFIED MAIL NO. P383 113 292  
RETURN RECEIPT REQUESTED

### FINAL DECISION BOTTLE CREEK ALLOTMENT GRAZING PERMIT

Laura F. McKernan  
Star Route Box 340  
Winnemucca, NV 89445

Dear Mrs. McKernan:

On January 26, 1996, a Proposed Decision was issued which offering you grazing permits for the Bottle Creek and Desert Valley allotments. I have received a protest to this Proposed Decision for the Bottle Creek portion of the decision from the Commission for the Preservation of Wild Horses.

I have considered the points of protest to the Proposed Decision. Based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Bottle Creek allotment has been designated as being available for grazing through the Paradise-Denio MFP.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.
4. The Terms & Conditions contained in the offered grazing permit are, based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands and to ensure conformance with the provisions of 43 CFR 4180.

5. An Allotment Evaluation is scheduled to be completed for the Bottle Creek allotment during 1996.

Therefore, it is my final decision to:

**Offer you the attached 5 Year Grazing Permit for the Bottle Creek allotment.**

**RATIONALE:**

I have determined that the scheduled evaluation of grazing may result in changes that may require changes in the proposed Grazing Permit so it is warranted to reduce the length of the permit. I have also considered that, due to anticipated reductions in budget and staffing, we may not be able to complete the evaluation as scheduled. These factors led me to conclude that shortening the length of the Grazing Permit is in the best interest of sound land management. Because of the uncertainty of the completion date of the evaluation, the term of the Grazing Permit will be for 5 years.

**AUTHORITY:**

The authority for 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 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 and 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."

4130.2(d) "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...(4)the authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management."

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..."

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

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 public."

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

#### APPEALS:

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 writing to Pete Christensen, Paradise-Denio Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

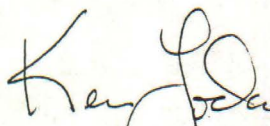
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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,

A handwritten signature in black ink, appearing to read "Ken J. De". The signature is written in a cursive, somewhat stylized font.

Area Manager  
Paradise-Denio Resource Area

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

! STATE NV  
! OFFICE 024  
! OPERATOR NUMBER 272200  
! PREFERENCE CODE 03  
! DATE PRINTED 02/28/96  
! TERM 03/01/1996 TO 02/28/2001  
!

GRAZING PERMIT

LAURA F. MCKERNAN

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

STATE ROUTE BOX 340  
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.  
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ALLOT ----- PASTURE -----	LIVESTOCK		GRAZING PERIOD		TYPE		AUM'S -----
	NUMBER	KIND	BEGIN	END	%PL	USE	
00066 BOTTLE CREEK	75	CATTLE	04/01	05/31	100	ACTIVE	150
	160	CATTLE	06/01	11/30	100	ACTIVE	963
	23	CATTLE	12/01	12/30	100	ACTIVE	23

TERMS AND CONDITIONS:

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.

THIS AUTHORIZATION IS ISSUED PENDING COMPLETION OF THE GRAZING PERMIT

OPERATOR NUMBER: 272200

PROCESS. THIS AUTHORIZATION MAY BE SUBJECT TO CHANGE DEPENDING UPON WHETHER OR NOT THE DECISION IS APPEALED.

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ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00066 BOTTLE CREEK	1136		1136

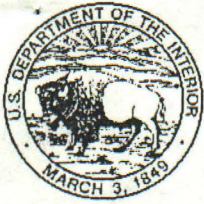
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THIS PERMIT ; 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND TO MODIFICATION 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 \_\_\_\_\_





# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:  
4160.3  
NV0241.5

February 28, 1996

CERTIFIED MAIL NO. P383 113 291  
RETURN RECEIPT REQUESTED

### FINAL DECISION BOTTLE CREEK ALLOTMENT GRAZING PERMIT

Robert and Susan Hoenck  
Star Route Box 343  
Winnemucca, NV 89445

Dear Mr. and Mrs. Hoenck

On January 26, 1996, a Proposed Decision was issued which offering you a Grazing Permit for the Bottle Creek allotment. I have received a protest to this Proposed Decision from the Commission for the Preservation of Wild Horses.

I have considered the points of protest to the Proposed Decision. Based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Bottle Creek allotment has been designated as being available for grazing through the Paradise-Denio MFP.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.
4. The Terms & Conditions contained in the offered grazing permit are, based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands and to ensure conformance with the provisions of 43 CFR 4180.

5. An Allotment Evaluation is scheduled to be completed for the Bottle Creek allotment during 1996.

Therefore, it is my final decision to:

**Offer you the attached 5 Year Grazing Permit for the Bottle Creek allotment.**

**RATIONALE:**

I have determined that the scheduled evaluation of grazing may result in changes that may require changes in the proposed Grazing Permit so it is warranted to reduce the length of the permit. I have also considered that, due to anticipated reductions in budget and staffing, we may not be able to complete the evaluation as scheduled. These factors led me to conclude that shortening the length of the Grazing Permit is in the best interest of sound land management. Because of the uncertainty of the completion date of the evaluation, the term of the Grazing Permit will be for 5 years.

**AUTHORITY:**

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4160.0-8 "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 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 and 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."

4130.2(d) "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...(4)the authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management."

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..."

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

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 public>"

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

#### APPEALS:

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 writing to Pete Christensen, Paradise-Denio Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

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,

A handwritten signature in black ink, appearing to read "Ken Joda". The signature is written in a cursive style with a large, looped "J" and "D".

Area Manager  
Paradise-Denio Resource Area

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

STATE NV  
OFFICE 024  
OPERATOR NUMBER 272199  
PREFERENCE CODE 03  
DATE PRINTED 02/28/96  
TERM 03/01/1996 TO 02/28/2001

GRAZING PERMIT

ROBERT &  
SUSAN HOENCK

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

STAR ROUTE BOX 343  
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	
00066 BOTTLE CREEK	70	CATTLE	04/01	06/30	100	ACTIVE	209
	30	CATTLE	09/01	12/01	100	ACTIVE	91

-----  
TERMS AND CONDITIONS:

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.

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THIS AUTHORIZATION IS ISSUED PENDING COMPLETION OF THE GRAZING PERMIT PROCESS. THIS AUTHORIZATION MAY BE SUBJECT TO CHANGE DEPENDING UPON

OPERATOR NUMBER: 272199

WHETHER OR NOT THE DECISION IS APPEALED.

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00066 BOTTLE CREEK	300	103	403

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

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

In Reply Refer To:  
4160.3  
NV0241.5

February 28, 1996

CERTIFIED MAIL NO. P383 113 293  
RETURN RECEIPT REQUESTED

### FINAL DECISION DEER CREEK ALLOTMENT GRAZING PERMIT

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

Dear Mr. and Mrs. Nuffer:

On January 26, 1996, a Proposed Decision was issued which offered you Grazing Permits for the Deer Creek and Dyke Hot allotments. I have received a protest to this Proposed Decision for the Deer Creek portion of the decision from the Commission for the Preservation of Wild Horses.

I have considered the points of protest to the Proposed Decision. Based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Deer Creek allotment has been designated as being available for grazing through the Paradise-Denio MFP.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.
4. The Terms & Conditions contained in the offered grazing permit are, based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands and to ensure conformance with the provisions of 43 CFR 4180.

5. An Allotment Re-Evaluation is scheduled to be completed for the Deer Creek allotment during 1996.

6. On January 21, 1994, the Deer Creek Final Allotment Evaluation Summary and Proposed Multiple Use Decision was issued. On February 23, 1994, the Final Multiple Use Decision (FMUD) was issued. The FMUD initiated changes in livestock management and established an Appropriate Management Level for wild horses in the Deer Creek allotment. You were offered a 10 year permit by decision which reflected terms and conditions from the Final Multiple Use Decision.

Therefore, it is my final decision to:

**Offer you the attached 5 Year Grazing Permit for the Deer Creek allotment.**

**RATIONALE:**

I have determined that the scheduled re-evaluation of grazing may result in changes that may require changes in the proposed Grazing Permit so it is warranted to reduce the length of the permit. I have also considered that, due to anticipated reductions in budget and staffing, we may not be able to complete the evaluation as scheduled. These factors led me to conclude that shortening the length of the Grazing Permit is in the best interest of sound land management. Because of the uncertainty of the completion date of the evaluation, the term of the Grazing Permit will be for 5 years.

The February 23, 1994 Deer Creek Final Multiple-Use Decision initiated changes in livestock management and established an Appropriate Management Level (AML) for wild horses in the portion of the Jackson Mountain Herd Management Area located in the Deer Creek allotment. These changes of management for livestock and the AML were based on analysis of monitoring data collected prior to 1994. The Bureau is currently conducting a re-evaluation of the Deer Creek allotment. When the re-evaluation and multiple use decision process is completed, this 5 year grazing permit which contains terms and conditions from the 1994 decision shall be cancelled and a new 10 year permit, which will reflect the new Final Multiple Use Decision, shall be issued.

**AUTHORITY:**

The authority for 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 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 and 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."

4130.2(d) "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...(4)the authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management."

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..."

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

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>"

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other

information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

#### APPEALS:

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 writing to Pete Christensen, Paradise-Denio Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

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,



Area Manager  
Paradise-Denio Resource Area

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
  
GRAZING PERMIT

STATE NV  
OFFICE 024  
OPERATOR NUMBER 272202  
PREFERENCE CODE 03  
DATE PRINTED 02/28/96  
TERM 03/01/1996 TO 02/28/2001

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	%PL	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 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

THIS AUTHORIZATION IS ISSUED PENDING COMPLETION OF THE GRAZING PERMIT PROCESS. THIS AUTHORIZATION MAY BE SUBJECT TO CHANGE DEPENDING UPON WHETHER OR NOT THE DECISION IS APPEALED.

-----  
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 \_\_\_\_\_



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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

February 28, 1996

CERTIFIED MAIL NO P383113289  
RETURN RECEIPT REQUESTED

In Reply Refer To:  
4160.3  
NV-241

### FINAL DECISION HAPPY CREEK GRAZING PERMIT

Roy Shurtz  
Happy Creek Land and Cattle Ltd.  
P.O. Box 1434  
Elko, NV 89803

Dear Mr. Shurtz:

On January 26, 1996, a Proposed Decision was issued which offering you a Grazing Permit. I have received a protest to this Proposed Decision from the Commission for the Preservation of Wild Horses.

I have considered the points of protest to the Proposed Decision. Based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Happy Creek Allotment has been designated as being available for grazing through the Paradise-Denio Resource Area MFP.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.
4. The Terms & Conditions contained in the offered grazing permit are, based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands and to ensure conformance with the provisions of 43 CFR 4180.
5. An Allotment Evaluation is scheduled to be completed for the Happy Creek Allotment during 1996.

Therefore, it is my final decision to:

**Offer you the attached 5 Year Grazing Permit**

**RATIONALE:**

I have determined that the scheduled evaluation for the Happy Creek Allotment may result in changes that may require changes in the proposed Grazing Permit so it is warranted to reduce the length of the permit. I have also considered that, due to anticipated reductions in budget and staffing, we may not be able to complete the evaluation as scheduled. These factors led me to conclude that shortening the length of the Grazing Permit is in the best interest of sound land management. Because of the uncertainty of the completion date of the evaluation, the term of the Grazing permit will be 5 years.

**AUTHORITY:**

The authority for 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 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 and 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."

4130.2(d) "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...(4)the authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management."

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..."

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessors or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessors, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease."

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

#### APPEALS:

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 writing to Pete Christenson, Paradise-Denio Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

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,

ALING



Area Manager

Paradise-Denio Resource Area

Certified Copies:

Wild Horse Organized Assistance P383113294  
Natural Resources Defense Council P383113262  
Sierra Club-Toiyabe Chapter P383113263  
Craig Downer P383113264  
Nevada Outdoor Recreation Association P383113280  
Desert Bighorn Council P383113281  
NDOW-Fallon P383113265  
John Marvel P383113260  
Nevada Cattleman's Association P383113253  
Resource Concepts, Inc. P383113254  
Nevada Farm Bureau Federation P383113255  
USFWS P383113256  
International Society for the Protection  
of Mustangs and Burros P383113282  
American Horse Protection Assn P383113283  
U.S. Humane Society P383113284  
Ms. Anna Charlton - Rutgers Law School P383113285  
Edie Wilson P383113286  
Humboldt County Commissioners P383113257  
John Falen P383113287  
Commission For the Preservation of Wild Horses P383113260  
The Wilderness Society P383113302  
Sagebrush Chapter, Trout Unlimited  
Animal Protection Institute of America P383113301  
Nevada Bighorns Unlimited P383113314



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
  
GRAZING PERMIT

: STATE NV  
: OFFICE 024  
: OPERATOR NUMBER 272141  
: PREFERENCE CODE 03  
: DATE PRINTED 02/28/96  
: TERM 03/01/1996 TO 02/28/2001

HAPPY CREEK LAND AND  
CATTLE LTD PARTNER  
ROY SHURTZ  
P.O. BOX 1434  
ELKO, NV 89803

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	%PL	USE	
00056 HAPPY CREEK	500	CATTLE	04/01	08/30	100	ACTIVE	2499
	272	CATTLE	10/15	02/28	100	ACTIVE	1225

-----  
TERMS AND CONDITIONS:

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.

THIS AUTHORIZATION IS ISSUED PENDING COMPLETION OF THE GRAZING PERMIT PROCESS. THIS AUTHORIZATION MAY BE SUBJECT TO CHANGE DEPENDING UPON

OPERATOR NUMBER: 272141

WHETHER OR NOT THE DECISION IS APPEALED.

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00056 HAPPY CREEK	3724	974	4698

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

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

February 28, 1996

CERTIFIED MAIL NO.P383113290  
RETURN RECEIPT REQUESTED

In Reply Refer  
4160.3  
NV-241

### FINAL DECISION BOTTLE CREEK AND BLUE MOUNTAIN GRAZING PERMITS

John DeLong  
DeLong Ranches, Inc.  
Star Route Box 335  
Winnemucca, NV 89445

Dear Mr. DeLong:

On January 26, 1996, a Proposed Decision was issued offering you four Grazing Permits. I have received a protest to this Proposed Decision from the Commission for the Preservation of Wild Horses for Bottle Creek and Blue Mountain.

I have considered the points of protest to the Proposed Decision. Based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Bottle Creek and Blue Mountain Allotments have been designated as being available for grazing through the Paradise-Denio MFP.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.
4. The Terms & Conditions contained in the offered grazing permits are, based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands and to ensure conformance with the provisions of 43 CFR 4180.
5. An Allotment Evaluation is scheduled to be completed for the Bottle Creek Allotment during 1996 and the allotment evaluation for Blue Mountain has not been scheduled.

Therefore, it is my final decision to:

**Offer you the attached 5 Year Grazing Permit for the Bottle Creek Allotment and a 10 Year permit for the Blue Mountain Allotment.**

**RATIONALE:**

Due to anticipated reductions in budget and staffing, the Blue Mountain Allotment will not be scheduled for evaluation within the next 10 years. These factors led me to conclude that shortening the length of this permit from 10 years is not warranted.

I have determined that the scheduled evaluation for the Bottle Creek Allotment may result in changes in the proposed Grazing Permit so it is warranted to reduce the length of this permit. I have also considered that, due to anticipated reductions in budget and staffing, we may not be able to complete this evaluation as scheduled. These factors led to conclude that shortening the length of the Grazing Permit is in the best interest of sound land management. Because of the uncertainty of the completion date of the evaluation, the term of the Bottle Creek Grazing Permit will be for 5 years.

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 provision of subpart 4180 of this part."

43 CFR 4130.2(d)(4) provides relative to the issuance of grazing permits for less than 10 years when, "the authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management." I have determined that the scheduled evaluation of grazing may result in changes in the existing Terms & Conditions. I have also determined that, due to anticipated reductions in budget and manpower, the schedule for the evaluation will likely not be met. These factors led me to conclude that shortening the length of the Grazing Permit from 10 years to years is in the best interest of sound land management.

**AUTHORITY:**

The authority for 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 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 and 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 public prior to the issuance or renewal of grazing permits and leases."

4130.2(d) "The term of grazing permits or leases authorizing livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management shall be 10 years unless...(4)the authorized officer determines that a permit or lease for less than 10 years is in the best interest of sound land management."

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..."

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

#### APPEALS:

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 writing to Pete Christenson, Paradise-Denio Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

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,

AGING



Area Manager

Paradise-Denio Resource Area

Certified Copies:

Stephen A. Moen P383113258  
Natural Resources Defense Council P383113262  
Sierra Club-Toiyabe Chapter P383113263  
Craig Downer P383113264  
Nevada Outdoor Recreation Association P383113280  
Desert Bighorn Council P383113281  
NDOW-Fallon P383113265  
John Marvel P383113260  
Nevada Cattleman's Association P3831132253  
Resource Concepts, Inc. P383113254  
Nevada Farm Bureau Federation P383113255  
USFWS P383113256  
International Society for the Protection  
of Mustangs and Burros P383113282  
American Horse Protection Assn P383113283  
U.S. Humane Society P383113284  
Ms. Anna Charlton - Rutgers Law School P3831132285  
Edie Wilson P3831132286  
Humboldt County Commissioners P383113260  
John Falen P383113287  
Commission For the Preservation of Wild Horses P383113260  
The Wilderness Society P383113302  
Sagebrush Chapter, Trout Unlimited P383113303  
Wild Horse Organized Assistance P383113294  
Animal Protection Institute of America P383113301

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

: STATE NV  
: OFFICE 024  
: OPERATOR NUMBER 272195  
: PREFERENCE CODE 03  
: DATE PRINTED 02/28/96  
: TERM 03/01/1996 TO 02/28/2001

DELONG RANCHES, INC  
JOHN DELONG  
  
STAR ROUTE 335  
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.  
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ALLOT	LIVESTOCK	GRAZING PERIOD	TYPE	
PASTURE	NUMBER KIND	BEGIN END	%PL USE	AUM'S
-----	-----	-----	-----	-----
00066 BOTTLE CREEK	100 CATTLE	09/01 11/08	100 ACTIVE	227

-----  
TERMS AND CONDITIONS:

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.

THIS AUTHORIZATION IS ISSUED PENDING COMPLETION OF THE GRAZING PERMIT PROCESS. THIS AUTHORIZATION MAY BE SUBJECT TO CHANGE DEPENDING UPON WHETHER OR NOT THE DECISION IS APPEALED.

OPERATOR NUMBER: 272195

-----  
ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
-----	-----	-----	-----
00066 BOTTLE CREEK	227		227

-----  
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 272180  
PREFERENCE CODE 03  
DATE PRINTED 02/26/96  
TERM 03/01/1996 TO 02/28/2005

GRAZING PERMIT

DELONG RANCHES, INC.

JOHN DELONG  
STAR ROUTE 335  
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 ----- %PL USE -----	AUM'S -----
	NUMBER	KIND	BEGIN	END		
00061 BLUE MOUNTAIN	500	CATTLE	03/01	04/30	56 ACTIVE	562
	50	CATTLE	09/01	09/30	56 ACTIVE	28
	500	CATTLE	10/01	10/31	56 ACTIVE	285
	600	CATTLE	11/01	01/31	56 ACTIVE	1016
	500	CATTLE	02/01	02/28	56 ACTIVE	258
	200	CATTLE	09/01	09/30	56 ACTIVE	110
	109	CATTLE	02/01	02/28	56 ACTIVE	56
00067 MORMAN DAN	559	CATTLE	03/01	04/30	53 ACTIVE	594
	459	CATTLE	10/01	11/08	53 ACTIVE	312
	559	CATTLE	11/09	02/28	53 ACTIVE	1091
	2	CATTLE	09/01	09/30	53 ACTIVE	1

TERMS AND CONDITIONS:

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.

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ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00061 BLUE MOUNTAIN	2315		2315
00067 MORMAN DAN	1998		1998

---

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

WINNEMUCCA DISTRICT OFFICE

705 East 4th Street

Winnemucca, Nevada 89445

February 28, 1996

4160.3  
NV-241.3

CERTIFIED MAIL NO. P383113259  
RETURN RECEIPT REQUESTED

Pedroli Ranches  
P.O. Box 415  
McDermitt, NV 89421

## FINAL DECISION SAND DUNES GRAZING PERMIT

Dear Mr Pedroli:

On January 26, 1996, a Proposed Decision was issued which offered you Grazing Permits. I have received a protest to this Proposed Decision from the Commission for the Preservation of Wild Horses.

Based on this protest, I have considered the points of protest to the Proposed Decision. Additionally, based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Sand Dunes Allotment has been designated as being available for grazing through the Paradise-Denio MFP.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.

4. The Terms & Conditions contained in the offered grazing permit are based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands.

5. An Allotment Evaluation is not scheduled to be completed for the Sand Dunes Allotment.

Therefore, it is my final decision to:

Offer you the attached 10 Year Grazing Permit

**RATIONALE:**

Due to the reductions in budget and staffing, the allotment will not be scheduled for evaluation within the next ten (10) years. These factors led me to conclude that shortening the length of the Grazing Permit from 10 years is not warranted. In the event that problems are identified, the grazing permit can be modified under 43 CFR 4130.3-3.

**AUTHORITY:**

The authority for 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 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 and 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..."

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

APPEALS:

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 writing to Pete Christensen, Paradise-Denio Resource Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

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,



for

Pete Christensen, Area Manager  
Paradise-Denio Resource Area

CC: P383113262 Natural Resources Defence Council  
P383113263 Sierra Club - Toiyabe Chapter  
P383113264 Craig C. Downer  
P383113265 NDOW-Fallon  
P383113266 Mr. John Marvel  
P383113253 Nevada Cattlemen's Association  
P383113254 Resource Concepts, Inc.  
P383113255 Nevada Farm Bureau Federation  
P383113256 USFWS  
P383113257 Humboldt County Commissioners  
P383113260 Commission For the Preservation of Wild Horses

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

: STATE NV  
: OFFICE 024  
: OPERATOR NUMBER 272140  
: PREFERENCE CODE 03  
: DATE PRINTED 02/26/96  
: TERM 03/01/1996 TO 02/28/2005

GRAZING PERMIT

PEDROLI RANCHES  
  
P.O. BOX 415  
MCDERMITT, NV 89421

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	%PL	USE	
00060 SAND DUNES	40	CATTLE	03/01	07/31	93	ACTIVE	187
	39	CATTLE	10/01	02/28	93	ACTIVE	180

-----  
TERMS AND CONDITIONS:

ANY CATTLE OWNED OR CONTROLLED BY YOU FOUND ON THE SAND DUNES ALLOT, WITHOUT BLM ISSUED EAR TAGS (YELLOW) WILL BE DEEMED IN EXCESS OF YOUR AUTHORIZED NUMBERS.

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: 272140

-----  
ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
----- 00060 SAND DUNES	----- 368	----- 0	----- 368

-----  
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 WINNEMUCCA DISTRICT OFFICE

705 East 4th Street  
Winnemucca, Nevada 89445

February 28, 1996

4160.3  
NV-241.3

CERTIFIED MAIL NO. P383113261  
RETURN RECEIPT REQUESTED

Nevada First Corporation  
P.O. Box 490  
Winnemucca, NV 89446

### FINAL DECISION Bloody Run and Scott Spring GRAZING PERMITS

Dear Mr Bengochea:

On January 26, 1996, a Proposed Decision was issued which offered you Grazing Permits. I have received a protest to this Proposed Decision from the Commission for the Preservation of Wild Horses.

Based on this protest, I have considered the points of protest to the Proposed Decision. Additionally, based on consultation with you, other interested publics, and my staff, I have determined the following to be important in making my final decision:

1. The Bloody Run and Scott Spring Allotments have been designated as being available for grazing through the Paradise-Denio MFP.
2. You are a qualified applicant as specified under 43 CFR 4110.1.
3. You have agreed to accept the Terms & Conditions of the grazing permit.

4. The Terms & Conditions contained in the offered grazing permits are based on the best information currently available, appropriate to achieve the management and resource condition objectives for the public lands.

5. An Allotment Evaluation is not scheduled to be completed for the Bloody Run or Scott Spring Allotments.

Therefore, it is my final decision to:

**Offer you the attached 10 Year Grazing Permit**

**RATIONALE:**

Due to the reductions in budget and staffing, these allotments will not be scheduled for evaluation within the next ten (10) years. These factors led me to conclude that shortening the length of the Grazing Permit from 10 years is not warranted. In the event that problems are identified, the grazing permit can be modified under 43 CFR 4130.3-3.

**AUTHORITY:**

The authority for 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 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 and 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..."

4130.3-3 "Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.

4160.3(b) "Upon the timely filing of a protest, the authorized officer shall reconsider his/her proposed decision in light of the protestant's statement of reasons for protest and in light of other information pertinent to the case. At the conclusion to his review of the protest, the authorized officer shall serve his/her final decision on the protestant or his/her agent, or both, and the interested public.

4160.3(c) "A period of 30 days following receipt of the final decision...is provided for filing an appeal and petition for stay of the decision pending final determination on appeal. A decision will not be effective during the 30-day appeal period, except as provided in paragraph (f) of this section."

APPEALS:

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 writing to Pete Christensen, Paradise-Denio Resource Area Manager, 705 E. Fourth Street, Winnemucca, Nevada, 89445, within 30 days following receipt of the final decision.

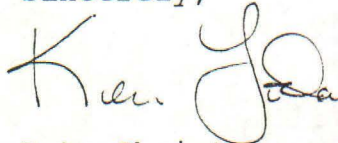
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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,



for Pete Christensen, Area Manager  
Paradise-Denio Resource Area

CC: P383113262 Natural Resources Defence Council  
P383113263 Sierra Club - Toiyabe Chapter  
P383113264 Craig C. Downer  
P383113265 NDOW-Fallon  
P383113266 Mr. John Marvel  
P383113253 Nevada Cattlemen's Association  
P383113254 Resource Concepts, Inc.  
P383113255 Nevada Farm Bureau Federation  
P383113256 USFWS  
P383113257 Humboldt County Commissioners  
P383113260 Commission For the Preservation of Wild Horses

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
  
GRAZING PERMIT

: STATE NV  
: OFFICE 024  
: OPERATOR NUMBER 272187  
: PREFERENCE CODE 03  
: DATE PRINTED 02/26/96  
: TERM 03/01/1996 TO 02/28/2005  
:

NEVADA FIRST CORP.

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

BOX 490  
WINNEMUCCA, NV 89446

-----  
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 ----- %PL USE -----	AUM'S -----
	NUMBER	KIND	BEGIN	END		
00043 BLOODY RUN	606	CATTLE	03/01	06/30	40 ACTIVE	972
	152	CATTLE	11/01	02/28	40 ACTIVE	240

-----  
TERMS AND CONDITIONS:

ANY LIVESTOCK OWNED OR CONTROLLED BY YOU MUST BE EAR TAGGED. YOU MUST SUBMIT TO THE BLM A LIST OF PRIVATE EAR TAGS WHICH WILL INCLUDE NUMBERS AND COLORS. ALONG WITH THE LIST OF EAR TAGS YOU MUST SUBMIT THE LIVESTOCK MANAGEMENT AGREEMENTS.

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

OPERATOR NUMBER: 272187

WITHIN 30 DAYS OF THE DUE DATE MAY RESULT IN TRESPASS ACTION.

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ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00043 BLOODY RUN	1213	370	1583

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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 \_\_\_\_\_



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

; STATE NV  
; OFFICE 024  
; OPERATOR NUMBER 272171  
; PREFERENCE CODE 03  
; DATE PRINTED 02/26/96  
; TERM 03/01/1996 TO 02/28/2005  
;

GRAZING PERMIT

NEVADA FIRST CORP.

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

P.O. BOX 490  
WINNEMUCCA, NV 89446

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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 ----- %PL USE -----	AUM'S -----
	NUMBER	KIND	BEGIN	END		
00040 SCOTT SPRINGS	300	CATTLE	03/01	06/30	24 ACTIVE	289
	137	CATTLE	11/01	02/28	24 ACTIVE	130

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TERMS AND CONDITIONS:

ANY LIVESTOCK OWNED OR CONTROLLED BY YOU MUST BE EARTAGGED. YOU MUST SUBMIT TO THE BLM A LIST OF PRIVATE EAR TAGS WHICH WILL INCLUDE NUMBER AND COLORS. ALONG WITH THIS LIST YOU MUST ALSO PROVIDE THE LIVESTOCK MANAGEMENT AGREEMENTS.

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

OPERATOR NUMBER: 272171

WITHIN 30 DAYS OF THE DUE DATE MAY RESULT IN TRESPASS ACTION.

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ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00040 SCOTT SPRINGS	419	125	544

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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 \_\_\_\_\_



# 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-241)  
4160.3

February 28, 1996

CERTIFIED MAIL NO. P383113260  
RETURN RECEIPT REQUESTED

Commission For the Preservation  
of Wild Horses  
255 West Moana, Ste. 207A  
Reno, NV 89509

Dear Ms. Barcomb :

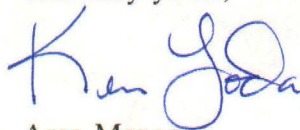
Recently you received a packet of proposed decision for grazing permits in the Paradise-Denio Resource Area. A protest was received from the Commission For the Preservation of Wild Horses on the proposed decisions issued in late January 1996. The decisions issued for grazing permits for the following allotments were protested:

<u>Allotment</u>	<u>Permittee</u>	<u>Operator Number</u>
Sand Dunes	Pedroli Ranches	272140
Happy Creek	Happy Creek Land Cattle LTD Partner	272141
Scott Springs	Nevada First Corporation	272171
Blue Mountain	DeLong Ranches, Inc.	272180
Bloody Run	Nevada First Corporation	272187
Bottle Creek	DeLong Ranches, Inc.	272195
Bottle Creek	Robert & Susan Hoenck	272199
Bottle Creek	Laura McKearn	2721200
Deer Creek	Rob & Delia Nuffer	2721202

Enclosed are copies of the grazing permits and final decisions for these permittees .  
Also I have enclosed a copy of the protest points and responses for your information.

If you should have any questions please contact Bob Hopper at (702) 623-1500.

Sincerely yours,



**ACTING** Area Manager  
Paradise-Denio Resource Area



COMMISSION FOR THE  
PRESERVATION OF WILD HORSES

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

March 4, 1996

Mr. Pete Christensen  
Paradise-Denio Resource Area  
Bureau of Land Management  
705 East 4th Street  
Winnemucca, Nevada 89445

Subject: Protests - Long Term Grazing Permits

Dear Mr. Christensen:

Thank you for modifying the long term grazing permits to conform the planning schedule for high priority allotments. We recognize that the Bureau has the authority to re-issue these permits at any time.

One issue important to the Commission needs further attention. The land use plan set initial livestock and wild horse numbers to be monitored and evaluated. We could not find any evidence that the existing conditions in 1981 were in a thriving natural ecological balance. Therefore, rangeland monitoring data collection is a binding obligation of the Bureau of Land Management for evaluations affecting all management actions or authorizations. Any new data collected since the land use plan initiates an environmental assessment.

Again, thank you for limiting the durations of these permits pending allotment evaluations.

Sincerely,

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

CATHERINE BARCOMB  
Executive Director