



United States Department of the Interior

3/1/96

BUREAU OF LAND MANAGEMENT

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

March 1, 1996

In Reply Refer To:  
4160.3  
(NV-026.12)

CERTIFIED MAIL NO.P383113367  
RETURN RECEIPT REQUESTED

FINAL DECISION  
PUMPERNICKEL GRAZING PERMIT

Mr. Arnold Ginsburg  
P.O. Box 5526  
Carefree, AZ 85377

Dear Mr. Ginsburg:

On January 31, 1996, a Proposed Decision was issued offering you a Grazing Permit. I have received a protest to this Proposed Decision from the Commission for the Preservation of Wild Horses.

Based upon this protest I have reconsidered my 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 Pumpnickel allotment has been designated as being available for grazing through the Sonoma-Gerlach MFP III.
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 ensure conformance with the provisions of

43 CFR 4180.

5. An allotment evaluation is scheduled to be completed for the Pumpernickel 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 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 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 Bud C. Cribley, Sonoma-Gerlach 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,



Bud C. Cribley, Area Manager  
Sonoma-Gerlach Resource Area

cc

P383113320 Commission for the Preservation of Wild Horses  
P383113323 Nevada Division of Wildlife  
P383113321 Craig Downer  
P383113322 Natural Resources Defense Council  
P383113327 Sierra Club-Toiyabe Chapter  
P383113362 WHOA  
P383113368 Cindy DeWeese, Lone Tree Mine  
P383113369 Agri Beef Co.  
P383113370 Roger Johnson  
P383113371 Rock Creek Ranch  
P383113372 Ann Kerstin, Sierra Club  
P383113373 Bob Schweigert, Intermountain Range Consultants  
P383113374 Humboldt County Commissioners

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

: STATE NV  
: OFFICE 026  
: OPERATOR NUMBER 272026  
: PREFERENCE CODE 03  
: DATE PRINTED 03/01/96  
: TERM 03/01/1996 TO 02/28/2001  
:

GINSBERG, ARNOLD  
  
P.O. BOX 73  
GOLCONDA, NV 89414

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

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GRAZING PERMIT IS OFFERED TO YOU BASED ON YOUR RECOGNIZED GRAZING  
RENCE ON THE PUBLIC LANDS AND/OR OTHER LANDS ADMINISTERED BY THE BLM.  
RE AUTHORIZED TO MAKE GRAZING USE TO THE EXTENT OF YOUR ACTIVE GRAZING  
RENCE AS SHOWN BELOW UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS  
PORATED HEREIN AND YOUR PAYMENT OF GRAZING FEES.  
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URE	LIVESTOCK		GRAZING PERIOD		TYPE	AUM'S
	NUMBER	KIND	BEGIN	END		
PUMPERNICKLE	57	CATTLE	03/01	09/30	100 ACTIVE	401
	57	CATTLE	12/01	02/28	100 ACTIVE	169

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S AND CONDITIONS:

ACCURATE ACTUAL USE WILL BE SUBMITTED WITHIN 15 DAYS OF LIVESTOCK  
BEING REMOVED. ALL LIVESTOCK WILL BE EAR-TAGGED AS SPECIFIED IN YOUR  
YEARLY AUTHORIZATIONS. THE PERMITTEE IS REQUIRED TO PERFORM NORMAL  
MAINTENANCE ON THE RANGE IMPROVEMENT PROJECTS WHICH HAVE BEEN ASSIGNED  
NO SALT AND/OR MINERAL BLCKS SHALL BE PLACED WITHIN ONE QUARTER (1/4)  
MILE OF WETLAND RIPARIAN HABITAT, ASPEN STANDS, BITTERBRUSH AREAS, AND  
STREAMS WITHOUT FIRST CONSULTING BLM PERSONNEL.  
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BOB MILLER  
Governor

STATE OF NEVADA

CATHERINE BARCOMB  
Executive Director



COMMISSION FOR THE  
PRESERVATION OF WILD HORSES

255 W. Moana Lane  
Suite 207A  
Reno, Nevada 89509  
(702) 688-2626

March 6, 1996

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

Subject: Long Term Permits

Dear Mr. Cribley:

The Commission for the Preservation of Wild Horses appreciates this opportunity to review Final Decisions for long term grazing permits. We appreciate the five year limit to these permits, pending multiple use decisions in 1996.

These permits reflect the ongoing decision making processes that directly affect wild horses herds in the Sonoma-Gerlach Resource Area. We hope that management priorities continue to support this process that has potential for achieving a thriving natural ecological balance on our public lands.

Sincerely,

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

CATHERINE BARCOMB  
Executive Director