

7/18/95



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:
4160.1-1
(NV-024.14)

JUL 18 1995

CERTIFIED MAIL NO. P877065823
RETURN RECEIPT REQUESTED

Mrs. Dawn Lappin
Wild Horse Organized Assistance
P.O. Box 555
Reno, NV 89505

Dear Mrs. Lappin:

Please find enclosed, the Paiute Meadows Final Decision, dated July 12, 1995, transferring the grazing preference to Irvin and Sandy Brown.

If you have any questions concerning this decision, please do not hesitate to contact Mandy McCutcheon at (702) 623-1500.

Sincerely yours,

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:

4160.1-1

(NV-024.14)

JUL 12 1995

CERTIFIED MAIL NO. P877065825

RETURN RECEIPT REQUESTED

Irv & Sandy Brown
P.O. Box 478
Winnemucca, NV 89446

Notice of Area Manager's Final Decision Paiute Meadows Allotment

Dear Mr. & Mrs. Brown:

On February 9, 1994, you informed members of my staff that you were in the process of purchasing the base properties for the Paiute Meadows Allotment. You were informed that the Bureau required proof of control of the base properties before the transfer process could begin.

At this meeting, you asked if there was any way to defer the phase in reduction in the season of use in the North Paiute Use Area, as scheduled in the FMUD dated April 12, 1993, so that you could convert the majority of the alfalfa fields on the base properties to meadow to accommodate early livestock removal. The Paradise-Denio Area Manager, at that time, requested that you submit a plan of operation for the conversion. This document was received in our office February 17, 1994.

On June 20, 1994, you submitted a Deed of Trust for the base properties tied to the Paiute Meadows Allotment. This document showed proof of control of the base properties and initiated the transfer of the grazing preference process. Also received, on this date, was a letter requesting that we defer the phase in of the grazing schedule in the North Paiute Use Area by BLM one year. This request was initiated due to the fact that a dispute over the base properties kept you from taking possession until late spring.

On August 26, 1994, we received your letter stating that due to the dry conditions you were taking non-use for conservation purposes for the 1994 grazing season.

On January 23, 1995, you met with Alan Cain, members of my staff, and myself. At this meeting you were offered a 10 year permit, for the Paiute Meadows Allotment, which you declined.

On March 27, 1995, Nevada Division of Wildlife, The Commission for the Preservation of Wild Horses, and Wild Horse Organized Assistance signed a stipulated agreement with the Bureau of Land Management to withdraw their appeals of the Final Full Force and Effect Multiple Use Decision issued on April 12, 1993.

On April 14, 1995, you withdrew your motion to be substituted as the real parties in interest, for William Cummings and Daniel Russell, and these appeals were dismissed.

Based on these events, it is my final decision to approve the transfer of the grazing preference for the Paiute Meadows Allotment to you with all the terms and conditions of the Area Manager's Final Full Force and Effect Multiple Use Decision, dated April 12, 1993 as follows:

A. Grazing Preference Status (AUMs)

1.	Total preference	9,932
2.	Suspended preference	6,382
3.	Active preference	3,550
	Active Use	2,154
	Non-Use	1,396

B. Season of Use

Spring and Early Summer Use
03/15 to 07/15

C. Kind and Class of Livestock - Cattle, Cow/Calf

D. Percent Federal Range - 100%

E. Grazing System

The grazing system listed below is for the next evaluation period.

North Paiute Use Area

Low Elevation

524 cattle 03/15 to 05/15 1068 AUMs

High Elevation

524 cattle 05/16 to 07/17 1086 AUMs

Use will begin in the lower elevations east of the Leonard Creek Road. This area would include all the lower foothills and alluvial fans along the eastern portion of the allotment north of Paiute Creek that fall below 1550 meters in elevation.

Livestock use of the higher elevations will be deferred until after May 01 by salting and herding practices. The high elevation use area would include Paiute Creek above the drift fence and higher country above 1550 meters in elevation.

Following the phase in period, all livestock will be removed from the allotment prior to July 17 of each year. Winter use by livestock will not be authorized due to direct conflicts with wildlife and wild horse use of the area during winter months.

Reduction in Use Phase -in Schedule

If monitoring data gathered at the end of the grazing season in 1995 shows that we are meeting our short term objectives for utilization in the riparian areas the changes in active use will be phased in using the following schedule:

Table 1. Scheduled reduction in use if short term utilization objectives are met on the North Paiute Use Area.

Year	Total Preference	Suspended Preference	Active Preference	Active Use	Non-Use
1995	9932	6382	3550	2686	864
1997	9932	6382	3550	2154	1396

Season of Use Phase In:

1995 and 1996 03/15 to 08/17

1997 03/15 to 07/17

Grazing Schedule

1995 and 1996

North Paiute

Low Elevation

524 cattle 03/15 to 05/31 1343 AUMs

High Elevation

524 cattle 06/01 to 08/17 1343 AUMs

1997

North Paiute

Low Elevation

524 cattle 03/15 to 05/15 1068 AUMs

High Elevation

524 cattle 05/16 to 07/17 1085 AUMs

If 1995 monitoring data shows that the short term objectives for utilization have not been met the following schedule will be followed:

Table 2. Scheduled reduction in use if short term utilization objectives are not met on the North Paiute Use Area.

Year	Total Preference	Suspended Preference	Active Preference	Active Use	Non-Use
1995	9932	6382	3550	2686	864
1996	9932	6382	3550	2154	1396

Season of Use Phase In:

1995 03/15 to 08/17

1996 03/15 to 07/17

Grazing Schedule

1995

North Paiute

Low Elevation

524 cattle 3/15 to 05/31 1343 AUMs

High Elevation

524 cattle 06/01 to 08/17 1343 AUMs

1996

North Paiute

Low Elevation

524 cattle 03/15 to 05/15 1068 AUMs

High Elevation

524 cattle 05/16 to 07/17 1085 AUMs

South Paiute Use Area

As identified in the February 25, 1993 allotment evaluation for Paiute Meadows, the use area south of Paiute Creek is lacking in grass species due to excessive use by wild horses and livestock and the past six years of drought conditions. Livestock use will not be authorized in this area until the following specific criteria are met as determined by the District Soil Scientist and the range staff in the Paradise-Denio Resource Area.

Criteria

Utilizing the 1992 Ecological Site Inventory data collected in this allotment, three key range sites were selected from the soil mapping units that represented the majority of the use area. The range sites selected were ones that would respond to changes in management and represent various elevations. The following is a description of the range sites:

Key Area #1 (High Elevation)

South Slope 12-16 P.Z. 023XY016NV ARVA2/AGSP

Soil Map Unit 177 write-up number DJ-60 will be used for monitoring. The reference site is DJ-54.

Key Area #2 (Mid Elevation)

Loamy Slope 10-14 P.Z. 023XY039NV ARTR2/AGSP

Soil Map Unit 965 write-up number DJ-63 will be used for monitoring. The reference site is DJ-52.

Key Area #3 (Low Elevation)

Sandy 5-8 P.Z. 027XY009NV ORHY/STCO4

Soil Map Unit 378 write-up number DJ-27 will be used for monitoring. The reference site is DJ-10.

Criteria for Resuming Livestock Grazing

Key Area #1 (High Elevation)

023XY016NV Increase AGSP from 6% present by weight in the monitoring site to 15% by weight. Site potential for AGSP is 60 to 70%. AGSP reference site is 14%.

Key Area #2 (Mid Elevation)

023XY039NV Increase AGSP from 2% present by weight in the monitoring site to 15% by weight. Site potential for AGSP is 40 to 60%. AGSP reference site is 22%.

Increase STTH2 from 3% present by weight in the monitoring site to 5% by weight. Site potential for STTH2 is 10 to 20%. STTH2 reference site is 6%.

Key Area #3 (Low Elevation)

027XY009NV Increase ORHY from 6% present by weight in the monitoring site to 15% by weight. Site potential for ORHY is 50 to 70%. ORHY reference site is 12%.

The control sites (clipped plots) will be compared in the future with the ocular sites to determine progress.

When monitoring data collected at the key areas show that we have met our objective for re-opening the South Paiute Use Area, the area represented by that key area will be re-opened. (See attached map) The available AUMs in each area were determined by acreage, production, and precipitation and the breakdown is as follows:

High Elevation:

Acres: 11,668 AUMs: 475

Mid Elevation:

Acres: 27,869 AUMs: 488

Low Elevation:

Acres: 30,008 AUMs: 433

Terms and Conditions:

Herding/salting practices are required and should be designed so that livestock drift does not occur into use areas not scheduled for use.

Salt and/or mineral blocks shall not be placed within one quarter (1/4) mile of springs, streams, meadows, riparian habitats or aspen stands.

You are required to perform normal maintenance on the range improvements as per your signed cooperative agreements prior to turning out.

Your certified actual use report by pasture is due 15 days after the end of the authorized grazing period.

Range Improvements

Reconstruct the existing Soldier Meadows/Paiute Meadows drift fence from the Pine Forest Allotment south and extend the fence to Burnt Springs with offset gates at major horse trails.

Consult with all affected interests regarding the desirability and feasibility of maintenance and/or reconstruction of the Paiute Seeding fence.

Time, funding, water right issues, the NEPA process, and priority of projects will dictate the completion of all projects.

RATIONALE:

This decision incorporates the stipulations of the court order, issued on April 7, 1995, dismissing the appeals of the April 1993 Final Full Force and Effect Multiple Use Decision by the Nevada Division of Wildlife, Wild Horse Organized Assistance, and the Commission for the Preservation of Wild Horses and Burros and the court order issued on April 14, 1995, dismissing the appeals of William Cummings, Daniel Russell, and Irvin and Sandy Brown.

The management actions in this decision are consistent with those of the Final Full Force and Effect Decision issued April 12, 1993, and will continue to aid in the achievement of the Land Use Plan and allotment specific objectives.

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

§4110.2-3(a)(3) "The transferee shall accept the terms and conditions of the terminating grazing permit or lease (see §4130.2) with such modifications as he may request which are approved by the authorized officer or with such modifications as may be required by the authorized officer.

§4130.2(a) "Grazing permits or leases shall be issued to authorize livestock grazing on the public lands and other lands under the administration of the Bureau of Land Management. These grazing permits or leases shall specify terms and conditions as required by §4130.6 of this title."

§4130.2(b) "Grazing permits or leases convey no right, title, or interest held by the United States in any lands or resources."

§4130.6 "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

§4130.6-1(a) "The authorized officer shall specify the kind and number of livestock,

§4130.6-1(b) "All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or of any term or condition of the permit or lease."

§4130.6-2 "The authorized officer may specify in grazing permits and 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..."

§4160.4 "Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge under §4.470 of this title by filing his notice of appeal in the office of the authorized officer within 30 days after the receipt of the decision."

If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR §4160.4 and §4.470, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with the Paradise-Denio Resource Area Manager, Bureau of Land Management, Winnemucca District, 705 E. Fourth Street, Winnemucca, NV 89445. An appeal shall state the reasons, clearly and concisely, as to why you think the decision is in error.

Sincerely yours,



Area Manager
Paradise-Denio Resource Area

Certified cc:
P877065826 NRDC
P877065800 Sierra Club-Toiyabe Chapter
P877065802 Craig Downer
P877065803 Wilderness Society
P877065804 NV Outdoor Recreation Assn.
P877065805 Desert Bighorn Council
P877065824 NDOW (Fallon)
P877065806 John Marvel
P877065807 Nevada Land Action
P877065808 NV Farm Bureau
P877065809 Nevada Cattlemen's Assn.
P877065810 USFW

P877065811 Trout Unlimited, Sagebrush Chapter
P877065823 WHOA
P877065812 Animal Protection Institute
P877065821 Commission for the Preservation
of Wild Horses & Burros
P877065814 American Horse Protection Assn.
P877065815 US Humane Society
P877065816 Claudia Richards
P877065817 Daniel & Sammye Ugalde
P877065818 NDOW (Winnemucca)
P877065819 Humboldt County Commissioners
P877065820 Alan Cain
P877065822 William Cummings
P877065813 International Society for the Preservation
of Mustangs and Burros

South Paiute Use Area

Elevational Areas Represented by Key Area Monitoring

