

10/14/98

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# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Elko Field Office  
3900 Idaho Street  
Elko, Nevada 89801-4611

In Reply Refer To:  
4130 (NV-012)

10-21-98P02:09 RCVD

OCT 14 1998

CERTIFIED NO. P 213 903 603  
RETURN RECEIPT REQUESTED

David D. Morris  
HC 63 Box 0001  
Park Valley, UT 84329

The grazing regulations require consultation, cooperation and coordination with affected permittees or lessees, the State having lands or responsibility for managing resources within the area, and interested public prior to the issuance or renewal of grazing permits or leases. The transfer of livestock grazing privileges to another permittee includes the issuance of a grazing permit. In order to comply with the consultation requirements of the grazing regulations, the following decision is being issued:

### MANAGER'S PROPOSED DECISION

In September 1998, the Bureau received your application to transfer grazing privileges in the Boone Springs Allotment from Sherie R. Goring to David D. Morris. The following is the extent of the permitted use proposed to be transferred.

ALLOTMENT	PERMITTED USE (AUMs)
Boone Springs	3,244

David D. Morris will be the sole permittee in the Boone Springs Allotment. The permitted use for this allotment is 3,244 active and 0 (zero) suspended nonuse AUMs.

David D. Morris requested a modification to the grazing permit for the Boone Springs Allotment. He has requested a modification in the permit dates from 11/01 - 2/28 to 11/01 - 3/31. This modification and season of use for the Boone Springs Allotment is outlined in the Wells RMP. The Elko Field Office considers this request an acceptable modification, and have therefore incorporated the dates into the grazing permit for David D. Morris, as described below.

EXTRA MONTH

**It is my proposed decision to approve the application to transfer grazing privileges and the associated ten-year grazing permit (described below).**

<i>Allotment</i>	<i>Livestock Number &amp; Kind</i>	<i>Begin Period</i>	<i>End Period</i>	<i>% PL</i>	<i>Type Use</i>	<i>AUMs</i>
Boone Springs Allotment	3,267 Sheep	11/01	3/31	100	Active	3,244

*Terms and Conditions:*

There are no historic suspended AUMs attached to this grazing permit.

Actual use data on all pastures must be submitted to this office within 15 days from the last day of use.

Pursuant 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

Supplemental feeding is limited to salt, mineral, and/or protein supplements in block, granular, or liquid form. Such supplements must be placed at least ¼ mile from live waters (springs and streams), troughs, wet or dry meadows, and aspen stands.

All riparian exclosures, including spring development exclosures, are closed to livestock use unless specifically authorized in writing.

Payment of grazing fees is due on or before the due date specified on the grazing bill. Failure to pay the grazing bill within 15 days of the due date specified on the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00.

Approval of the transfer and permit is consistent with the Wells Resource Management Plan. The transferee, David D. Morris, meets all qualifications of 43 CFR 4110.1, 4110.2-1, 4110.2-2 and 4110.2-3.

Any applicant, permittee, lessee or other affected interest may protest this proposed decision under 43 CFR 4160.1, in person or in writing to Clinton R. Oke, Manager, Renewable Resources, 3900 East Idaho Street, Elko, Nevada, 89801 within 15 days after receipt of the decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final.

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

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above the petition for stay must be filed in the office of the authorized officer.

Sincerely yours,



CLINTON R. OKE, Manager  
Renewable Resources

cc: Commission for the Preservation of Wild Horses  
Wild Horse Organized Assistance  
HTT Resource Advisors  
Int'l Society-Protection of Mustangs/Burros  
Farm Credit Service  
Sherie R. Goring  
Nevada Cattlemen's Assn.  
U.S. Fish & Wildlife Service  
Resource Concepts, Inc.  
Nevada Division of Wildlife  
Elko Board of Co. Commissioners  
Von L. Sorenson