



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
ELKO DISTRICT OFFICE  
3900 E. IDAHO STREET  
P.O. BOX 831  
ELKO, NEVADA 89801

IN REPLY REFER TO:

4160 (NV-015)

1/12/94

JAN 12 1994

CERTIFIED MAIL NO. P 321 020 929  
RETURN RECEIPT REQUESTED

Von L. and Marian Sorensen  
HC 60 Box 165  
Wells, NV 89835

PROPOSED DECISION

:  
:  
:

RESCINDING APPROVAL OF THE  
SPRUCE INTERIM ALLOTMENT MANAGEMENT PLAN (AMP) SIGNED 4/13/93  
AND  
RANGELINE AND ALLOTMENT AGREEMENT FOR  
SPRUCE AND VALLEY MOUNTAIN ALLOTMENTS SIGNED 4/13/93

Dear Mr. Sorensen:

On December 28, 1993, we received your letter acknowledging receipt of the Environmental Assessment regarding the Spruce Interim Allotment Management Plan (AMP). Your letter also requested that, if the Elko District Office wished to terminate the Spruce Interim AMP agreement, a proposed decision be issued. This decision is in response to your request. A summary of events leading to this decision is provided below.

On April 13, 1993, the Wells Resource Area Manager approved the Spruce Interim Allotment Management Plan (AMP) and Rangeline and Allotment Agreement. The interim AMP was a final version of the draft Spruce AMP completed in 1987. The permittee and Nevada Department of Wildlife (NDOW) were consulted during preparation of the draft Spruce AMP. Further coordination was made with the permittee in developing the Spruce Interim AMP.

In June 1993, a copy of the Spruce Interim AMP was mailed to all affected interests on the Spruce Allotment. As per 43 CFR 4120.2(a) (Allotment Management Plans), the Bureau is required to prepare AMP's "in careful and considered consultation, cooperation, and coordination with affected permittee(s) or lessee(s), landowners involved, the district grazing advisory boards where established, any State having lands within the area to be covered by such an allotment management plan, and other affected interests." Four appeals were received as a result of the Bureau not consulting with other affected interests and not complying with the NEPA process before signing the Spruce Interim AMP.

52100110W LIBEB 02V

Therefore, on August 23, 1993, a draft copy of the Change-in-Kind of Livestock and Implementation of the Spruce Interim AMP Environmental Assessment (EA) was mailed to all affected interests along with notification that the Wells Area Manager was rescinding authorization of the Spruce Interim AMP and Rangeline and Allotment Agreement.

On December 15, 1993, the EA was finalized and a Finding of No Significant Impact/Decision Record (FONSI/DR) was issued. A copy of the final EA and Decision Record was mailed to all affected interests. As per the FONSI/Decision Record there would be no changes in the current livestock management practices on the Spruce Allotment until completion of the allotment evaluation and multiple use decision process. The Spruce Interim AMP was based on monitoring data collected through 1986. The allotment evaluation would include analysis of monitoring data at least through 1993. After careful consideration, cooperation, and consultation with all affected interests, the No Action Alternative was the most sound decision.

Therefore, it is my proposed decision to conform with the FONSI/Decision Record dated December 15, 1993, for the Change-in-Kind of Livestock and Implementation of the Spruce Interim AMP Environmental Assessment as follows:

1. Deny approval of the Spruce/Valley Mountain Rangeline and Allotment Agreement. The decision of whether or not to formally split the Spruce Allotment will be deferred until an evaluation of all the multiple use objectives identified for the Spruce Allotment is completed.
2. Continue to license cattle use as "temporary" until the most current data can be analyzed through the allotment evaluation process.
3. Deny approval to implement the Spruce Interim Allotment Management Plan (AMP). Any changes in livestock management necessary to achieve the multiple use objectives would be implemented following completion of the allotment evaluation process.

Authority for the actions described in this proposed decision is found in 43 CFR Parts 4110.2-4, 4110.3, 4120.2(a), 4120.3-1(a), 4130.1-1(b), 4130.6, 4130.6-1, 4130.6-2, and 4160.1-1.

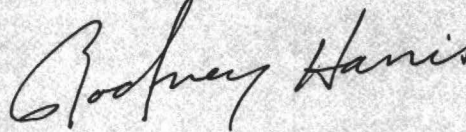
If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed 15 days from receipt of this notice within which to file such a protest with the Elko District Manager, Elko District Office, Bureau of Land Management, P.O. Box 831, Elko, NV 89803.

A protest may be made either in person or in writing and shall specify the reasons why you think the proposed decision is in error.

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision (43 CFR 4160.3). Should this notice become the final decision and if you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470 and 4160.4, you are allowed thirty (30) days from the date the proposed decision becomes my final decision within which to file such an appeal with the Elko District Manager, Elko District Office, Bureau of Land Management, at the address listed above.

An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

Sincerely yours,



RODNEY HARRIS  
District Manager

cc: Kenneth Jones  
Bert Paris and Sons  
American Horse Protection  
Humane Society - US  
Nevada Wildlife Federation  
Animal Protection Institute  
Natural Resources Defense Council  
U.S. Fish and Wildlife Service  
Commission for the Preservation of Wild Horses  
Resource Concepts, Inc.  
Nevada Department of Wildlife  
Wild Horse Organized Assistance  
NV Department of Agricultural  
HTT Resource Advisors  
U.S. Wild Horse Foundation  
Federal Land Bank  
Sierra Club - Toiyabe Chapter  
Kathryn Cushman  
Nature Conservancy  
Jim Mulcahy  
Rutgers Law School  
Wells Resource Area Grazing Association