



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko District Office
P.O. Box 831
Elko, Nevada 89803

In Reply Refer To:
4130 (NV-015)

FEB 27 1996

*No
Comment*

CERTIFIED NO. Z-350-230-967
RETURN RECEIPT REQUESTED

Bertrand Paris & Sons
HC 33 Box 33840
Ely, NV 89301

Upon review of our grazing case files, we have found that the Bertrand Paris & Sons term grazing permit will expire on February 29, 1996. In accordance with the new grazing regulations, permittees are now required to have a grazing permit in addition to their annual grazing license.

In December 1995, the Bureau sent Bertrand Paris & Sons a letter explaining the need to have a grazing permit, and included a listing of the terms and conditions that would apply to livestock grazing. In January 1996, Bertrand Paris & Sons signed and returned a form titled **Acceptance of Terms and Conditions, and Request for Grazing Permit.**

The BLM received comments from Bertrand Paris & Sons on February 1, 1996, and the Commission for the Preservation of Wild Horses on February 12, 1996.

Bertrand Paris & Sons requested a modification to their grazing permit for the West Cherry Creek Allotment. They have asked that they be allowed to use AUMs in the seedings normally used by sheep for cattle use, when the sheep won't be using these AUMs. Both sheep and cattle graze the seedings and this modification would allow the permittee to graze more AUMs with cattle and less with sheep in the seedings. Currently, 396 AUMs of sheep use are scheduled in the seedings. This modification would be limited to the seedings only and would have no affect on the native range in the allotment. The seasons of use within the seedings would remain as outlined in the Area Manager's Final Multiple Use Decision (FMUD) for the West Cherry Creek Allotment dated 9-30-94. The Wells Resource Area Office considers this request an acceptable modification, and have therefore incorporated this flexibility into the grazing permit for Bertrand Paris & Sons, as described below.

The Commission for the Preservation of Wild Horses requested specific terms and conditions be provided to identify management actions necessary to achieve resource objectives of the multiple use decision. The Wells Resource Area Office felt the final multiple use decision of 9-30-94 already described specific management actions and should be referenced for specific details rather than reiterated in the grazing permit.

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. In order to comply with the consultation requirements of the grazing regulations, the following decision is being issued:

AREA MANAGER'S FINAL DECISION

It is my final decision to approve a ten year term grazing permit (enclosed and described below) for the period 3/1/1996 through 2/28/2006.

<i>Allotment</i>	<i>Livestock Number & Kind</i>	<i>Begin Period</i>	<i>End Period</i>	<i>%PL</i>	<i>Type Use</i>	<i>AUMs</i>
West Cherry Creek	230 Cattle	5/01	9/30	96	active	1,111
West Cherry Creek	50 Cattle	10/01	10/31	96	active	49
West Cherry Creek	13 Cattle	8/01	8/31	100	active	13
West Cherry Creek	1,800 Sheep	5/01	5/14	96	active	159
West Cherry Creek	1,500 Sheep	5/15	5/31	96	active	161
West Cherry Creek	1,273 Sheep	6/01	10/25	96	active	1,181
				Total		2,674

Terms and Conditions

Line three is federal aums (13) fenced within private fields

Bertrand Paris & Sons may activate 396 sheep AUMs for cattle use in the seedings in the West Cherry Creek Allotment. The activation of the 396 AUMs would require prior approval by the authorized officer.

Authorized grazing use will be in accordance with the West Cherry Creek AMP, as amended by the Area Manager's Final Multiple Use Decision for the West Cherry Creek Allotment dated 9-30-94

Actual use will be submitted to this office within 15 days of livestock removal.

Supplemental feeding is limited to salt, mineral and/or protein supplements in block, granular or liquid form. Such supplements must be placed at least 1/4 mile from live waters (springs, streams and troughs), wet or dry meadows, and aspen stands.

All riparian exclosures, including spring development exclosures, are closed to livestock grazing unless specifically authorized.

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

Mr. Paris please sign and return the enclosed permit.

Bertrand Paris & Sons will be the sole permittee in the West Cherry Creek Allotment.

An Allotment Evaluation for the West Cherry Creek Allotment was completed in December 1993. The Area Manager's Final Multiple Use Decision was issued on September 30, 1994. The grazing permit includes terms and conditions that livestock grazing be in accordance with the Final Multiple Use Decision.

Approval of the permit is consistent with the Wells Resource Management Plan.

Authority for this decision is found in 43 CFR 4100.0-8, 4110.2-2, 4130.2, 4130.3, 4160.1 and 4160.3.

Any applicant, permittee or other person whose interest is adversely affected by the final decision may file an appeal and petition for a stay of the decision pending final determination on the appeal. The appeal and petition for stay must be filled in the office of the authorized officer as noted above, 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 a 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 filled in the office of the authorized officer.

Sincerely yours,

Kathy McKinstry
for BILL BAKER, Manager
Wells Resource Area

Enclosure: as state above

cc: The Nature Conservancy
Natural Resources Defense Council
Nevada Dept. of Agriculture
Nevada Division of Wildlife
Sierra Club, Toiyabe Chapter
Animal Protection Institute of America
Wild Horse Organized Assistance
Commission for the Preservation of Wild Horses
Gordon Temoak
US Fish and Wildlife Service
W. Shoshone Historic Preservation Society
Wells Resource Area Grazing Assn.
Rutgers Law School
Kathryn Cushman
American Horse Protection Association, Inc.
Cliff Gardner
Farm Credit Services
Louise Lear
Edie Wilson

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE NV
OFFICE 015
OPERATOR NUMBER 271036
PREFERENCE CODE 03
DATE PRINTED 02/26/96
TERM 03/01/1996 TO 02/28/200
BLM 2/26/96

PARIS, BERT AND SONS

HC 33 BOX 33840
ELY, NV 89301

BUREAU OF LAND MANAGEMENT
WELLS RESOURCE AREA
P.O. BOX 831
ELKO, NV 89803

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 NUMBER KIND	GRAZING PERIOD BEGIN END	%PL	TYPE USE	AUM"S
04350 WEST CHERRY CREEK	230 CATTLE	05/01 09/30	96	ACTIVE	1111
	50 CATTLE	10/01 10/31	96	ACTIVE	49
	13 CATTLE	08/01 08/30	100	ACTIVE	13
	1800 SHEEP	05/01 05/14	96	ACTIVE	159
	1500 SHEEP	05/15 05/31	96	ACTIVE	161
	1273 SHEEP	06/01 10/25	96	ACTIVE	1181

TERMS AND CONDITIONS:

LINE THREE IS FEDERAL AUMS (13) FENCED WITH PRIVATE FIELDS.

BERTRAND PARIS & SONS MAY ACTIVATE 396 AUMS FOR CATTLE USE IN THE SEEDINGS IN THE WEST CHERRY CREEK ALLOTMENT. THE ACTIVATION OF THE 396 AUMS WOULD REQUIRE PRIOR APPROVAL BY THE AUTHORIZED OFFICER.

AUTHORIZED GRAZING WILL BE IN ACCORDANCE WITH THE WEST CHERRY CREEK AMP, AS AMENDED BY THE AREA MANAGER'S FINAL MULTIPLE USE DECISION FOR THE WEST CHERRY CREEK ALLOTMENT DATED 9/30/94.

ACTUAL USE WILL BE SUBMITTED TO THIS OFFICE WITHIN 15 DAYS OF LIVESTOCK REMOVAL.

SUPPLEMENTAL FEEDING IS LIMITED TO SALT, MINERAL AND/OR PROTEIN SUPPLEMENTS IN BLOCK, GRANULAR OR LIQUID FORM. SUCH SUPPLEMENTS

OPERATOR NUMBER: 271036

MUST BE PLACED AT LEAST 1/4 MILE FROM LIVE WATERS (SPRINGS, STREAMS, AND TROUGHS), WET OR DRY MEADOWS, AND ASPEN STANDS.

ALL RIPARIAN ENCLOSURES, INCLUDING SPRING DEVELOPMENT ENCLOSURES, ARE CLOSED TO LIVESTOCK USE UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE AREA MANAGER.

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.

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
04350 WEST CHERRY CREEK	2674		2674

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 _____