

L 6/15/99



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611
<http://www.nv.blm.gov>



In Reply Refer To:
N-62062
2200/4160
(NV-012)

Certified Mail No. P 213 904 047
RETURN RECEIPT REQUESTED

JUN 15 1999

Robert and Jon Child
900 Century Drive 97
Ogden, UT 84404

PROPOSED DECISION
REDUCTION IN PERMITTED USE
IN THE NORTH PASTURE OF THE UTAH/NEVADA #1 ALLOTMENT

On July 26, 1996, Stephen Richins was issued formal two-year notification of cancellation of a portion of the permitted use associated with the North Pasture of the UT/NV #1 Allotment in accordance with 43 Code of Federal Regulations (CFR) 4110.4-2(b). The proposed reduction was a result of the pending BSR Land Exchange (N-62062). In November 1996, Stephen Richins submitted an application to transfer the grazing privileges in the North Pasture of the UT/NV #1 Allotment to Robert and Jon Child. On March 6, 1998, the transfer from Stephen Richins to Robert and Jon Child became final. On May 26, 1999, the BSR Land Exchange became final.

Therefore, in accordance with 43 CFR 4110.4-2(a)(2), it is my proposed decision to reduce the permitted use in the North Pasture of the UT/NV #1 Allotment to the following extent:

Legal Description ¹	Acres	AUMs
T. 32 N., R. 69 E. Sec. 2 Lot 1-4, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;	640.96	38
T. 33 N., R. 69 E. Sec. 35 All;	640.00	23
Total:	1,280.96	61

¹ Legal description of public lands and associated permitted use disposed of in the land exchange, located within the North Pasture of the UT/NV #1 Allotment.

The grazing permit held by Robert and Jon Child will be modified to show 4,386 AUMs versus 4,447 AUMs of permitted use. The reduction outlined above will be effective immediately. There will be no changes to the terms and conditions associated with the grazing permit.

Any applicant, permittee, lessee or other affected interest may protest the proposed decision under Sec. 43 CFR 4160.1, in person or in writing to Clinton R. Oke, Assistant Field Manager, Renewable Resources at 3900 E. Idaho Street, Elko, NV 89801 within fifteen (15) days after receipt of such 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
Assistant Field Manager
Renewable Resources

cc: Stephen Richins
Farm Service Agency
Wild Horse Organized Assistance
Commission-Preservation of Wild Horses

Nevada Cattleman's Association
U.S. Fish & Wildlife Service
Resource Concepts, Inc.
Nevada Division of Wildlife
Elko Board of County Commissioners
Nevada Division of Environmental Protection