



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

In Reply Refer To:

4120 (NV-010)

OCT - 7 1997

Dear Interested Public:

In accordance with the Grazing Regulations, "... the authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to issuance of nonrenewable grazing permits and leases" (43 CFR 4130.6-2).

On September 16, 1997, Cliff and Bertha Gardner applied for a change in permitted use, requesting to graze 150 cows on Pasture B in conjunction with Pasture C from November 1, 1997, to December 31, 1997, in the Harrison Allotment. The permitted season of use for Cliff and Bertha Gardner in Pastures B and C this year as outlined in the Area Manager's Final Multiple Use Decision (FMUD) for the Harrison Allotment dated September 10, 1993, is June 1 to September 30, for Pasture B and November 1 to December 31, for Pasture C. Cliff and Bertha Gardner did not apply for use in Pasture B this past summer.

Use in Pasture B is individual use by Cliff and Bertha Gardner. In Pasture C use is in common with Jack and Terry Bowers. Jack and Terry Bowers are not scheduled to graze Pasture C until spring of 1999.

The permitted use in the Harrison Allotment for Cliff and Bertha Gardner is 383 AUMs

Cliff and Bertha Gardner are applying for 301 AUMs of use in the Harrison Allotment. The application dated September 16, 1997, would be authorized as a temporary deviation from the grazing permit dates for Cliff and Bertha Gardner's grazing permit.

The Harrison Allotment is a small sized grazing allotment located in the southern portion of Ruby Valley, between the Ruby Lake Wildlife Refuge and Franklin Lake (see attached map). A portion of the Maverick/Medicine Herd Management Area (HMA) occurs within this allotment. Due to fences, there is little or no use in the pastures by wild horses. Pasture B is predominately native grasses and Pasture C is predominately crested wheatgrass. There are no streams or springs within the seedings. The permittee uses a pipeline and troughs in the pastures to water his livestock. Approval of the grazing application is consistent with multiple use objectives for this allotment.

In addition to the existing terms and conditions, the following term and condition will apply:

- a. Utilization of the key forage species will not exceed 45 percent in Pasture B and 60 on crested wheatgrass in Pasture C. When utilization levels have been achieved, the cattle will be removed within 5 days.
- b. Submit an actual use report within 15 days of the end of grazing.
- c. The change in period of use (November 1 through December 31) is authorized as temporary nonrenewable use and will not result in a permanent change to the grazing permit.

If you have any comments regarding the approval or denial of this application, please provide them to this office within 15 days of the date of this letter.

If you have any questions, please call Bruce Thompson at (702) 753-0200.

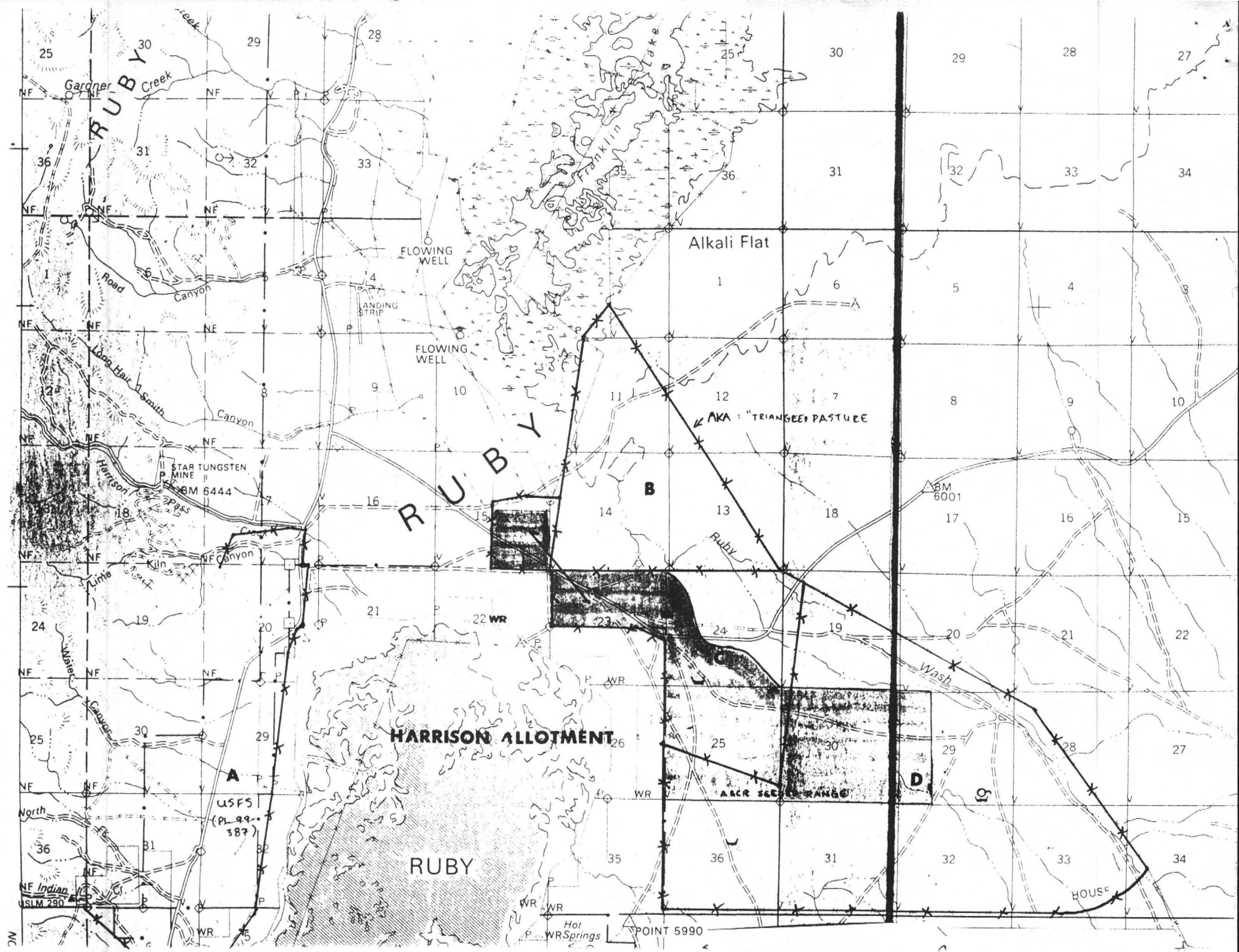
Sincerely yours,



CLINTON R. OKE, Assistant District Manager
for Renewable Resources

Enclosure: As stated above

cc: Animal Protection Institute of America
Commission for the Preservation of Wild Horses
Natural Resource Conservation Service
Nevada Division of Wildlife
Nev. Land Action Asso./Nev. Cattleman's Assoc.
Jack and Terry Bowers
US Fish and Wildlife Service
Paul Bottari
Resource Concepts, Inc.
Nevada Woolgrowers Association
Elko Board of County Commissioners
Gary and Candance Wines
Buster Wines



RUBY CREEK

RUBY

HARRISON ALLOTMENT

RUBY

Alkali Flat

AKA: TRIANGLED PASTURE

ACCR SEE RANGE

HOUSE

USFS
(PL 99-387)

Hot Springs

POINT 5990

STAR TUNGSTEN MINE
P. BM 6444

FLOWING WELL

FLOWING WELL

LANDING STRIP

Road

Long Hair Smith Canyon

Harrison Canyon

Lima Canyon

Ruby

Wash

Indian

USLM 290



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Dear Interested Public:

In accordance with the Grazing Regulations, "... the authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested public prior to issuance of nonrenewable grazing permits and leases" (43 CFR 4130.6-2).

On September 23, 1997, Bertrand Paris and Sons applied for a change in permitted use, requesting to graze 100 cows on the North Seeding from 10/19/97 to 10/31/97 and 250 cows on the North South and South South Seedings in the West Cherry Creek Allotment from 11/01/97 to 12/31/97. The utilization in the North Seeding this summer was light and utilization in the North South and the South South Seeding this past spring was moderate. The permitted season of use for the West Cherry Creek Allotment as described in the Wells Resource Management Plan (RMP) and by the Area Manager's Final Multiple Use Decision for the West Cherry Creek Allotment dated 9/30/94, is 5/01 to 10/31. Applications for Temporary Non Renewable (TNR) use in the seedings in the West Cherry Creek Allotment have been approved the past few years. The permitted use in the West Cherry Creek Allotment is 2,674 AUMs, of which 1,246 AUMs is available for cattle use and 1,428 AUMs are available for sheep use. The existing terms and conditions for the Bertrand Paris and Sons permit allows for the use of scheduled sheep AUMs (396) in the seeded pastures by cattle.

Bertrand Paris and Sons are applying for an additional 522 AUMs above his permitted use in the West Cherry Creek Allotment. The application dated September 23, 1997, would be authorized as a temporary deviation from the grazing permit dates and as temporary non-renewable use above the permitted use of the Bertrand Paris and Sons grazing permit.

The West Cherry Creek Allotment is a medium sized grazing allotment located in the



United States Department of the Interior

Bureau of Land Management

Battle Mountain District Office

50 Bastian Road, P.O. Box 1420

Battle Mountain, Nevada 89820

In Reply Refer To:
4160

(NV-062.4)

APR 25 1997

CERTIFIED MAIL P 834 409 998

RETURN RECEIPT REQUESTED

NOTICE OF ASSISTANT DISTRICT MANAGER'S PROPOSED DECISION

Jerry L. Anderson
P.O. Box 87
Eureka, NV 89316

Dear Mr. Anderson:

Your application to transfer grazing privileges from Cottonwood Land & Livestock to you for the Arambel Allotment was received on January 27, 1997. You also accepted the Terms & Conditions of the permit transfer on January 27, 1997.

Approval of the grazing privilege transfer and offering of the enclosed term Grazing Permit is consistent with the Shoshone-Eureka Resource Management Plan and has been analyzed in the Shoshone-Eureka Resource Management Plan Environmental Impact Statement. You meet all the qualifications of 43 CFR 4110.1. In addition, this transfer complies with the regulations governing grazing privilege transfers and permit issuance in 43 CFR 4110.2-1, 4110.2-2, and 4110.2-3.

A copy of your accepted Term & Conditions was sent to the interested public and State agencies on our mailing list to solicit input as required by the regulations. I received one letter of protest in opposition to this transfer. I have given consideration to that letter after discussion with my staff and have determined that it is appropriate to issue this term permit with a proposed decision.

Therefore, my **Proposed Decision** is to offer you the enclosed term Grazing Permit in conformance with 43 CFR 4130.2, with the Terms & Conditions you agreed to on January 27, 1997.

Carefully review, sign, date, and return the enclosed Grazing Permit. Upon approval of the Grazing Permit, a copy will be returned to you for your records. Do not place any livestock on the public lands until you have received authorization from me or someone appointed by me.

Any applicant, permittee, lessee or other interested public may protest this Proposed Decision under 43 CFR 4160.1 and 4160.2, in person or in writing, to Jeffrey A. Weeks, Assistant District Manager of Renewable Resources, 50 Bastian Road, P.O. Box 1420, Battle Mountain, Nevada, 89820 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 on this issue without further notice. 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 under 43 CFR 4160.3 and 4160.4. 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.

The petition for stay must be filed in the office noted above.

Sincerely,



Jeffrey A. Weeks
Assistant District Manager
Renewable Resources

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE NV
OFFICE 062
OPERATOR NUMBER 275042
PREFERENCE CODE 03
DATE PRINTED 04/25/97
TERM 05/01/1997 TO 02/28/2007

JERRY L. ANDERSON

P.O. BOX 87
EUREKA, NV 89316

BUREAU OF LAND MANAGEMENT
BATTLE MT. FIELD OFC
P.O. BOX 1420
BATTLE MOUNTAIN, NV 89820

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	LIVESTOCK	GRAZING PERIOD	TYPE	
PASTURE	NUMBER KIND	BEGIN END	%PL USE	AUM'S
-----	-----	-----	-----	-----
10031 ARAMBEL	56 CATTLE	05/01 10/31	100 ACTIVE	399
	2 CATTLE	10/01 10/31	100 ACTIVE	2

TERMS AND CONDITIONS:

AFTER REVIEWING CURRENT MONITORING DATA, 353 CATTLE AUMS HAVE BEEN PLACED INTO SUSPENDED NONUSE STATUS ON THE ARAMBEL ALLOTMENT.

UTILIZATION ON "KEY FORAGE SPECIES" WILL NOT EXCEED 50% BY SEED DISSEMINATION, AND 60% BY THE END OF THE GRAZING YEAR.

UTILIZATION ON ALL "KEY BROWSE SPECIES" WILL NOT EXCEED 50% IN BIG GAME HABITAT AREAS BY THE END OF THE GRAZING YEAR.

UTILIZATION ON "RIPARIAN HABITAT KEY FORAGE SPECIES" WILL NOT EXCEED 50% BY THE END OF THE GRAZING YEAR.

THE TERM OF THIS PERMIT IS FOR TEN YEARS PROVIDED YOUR BASE LEASE IS EXTENDED. IF YOUR BASE LEASE EXPIRES OR IS CANCELLED THIS TERM PERMIT WILL BECOME INVALID.

IN ACCORDANCE WITH 43 CFR 4130.6-1(F): FAILURE TO PAY GRAZING BILLS WITHIN 15 DAYS OF THE DUE DATE SPECIFIED IN 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. PAYMENT

MADE LATER THAN 15 DAYS AFTER THE DUE DATE. SHALL INCLUDE THE APPROPRIATE LATE FEE ASSESSMENT. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS MAY BE A VIOLATION OF 43 CFR SEC. 4140.1(B)(1) AND SHALL RESULT IN ACTION BY THE AUTHORIZED OFFICER UNDER 43 CFR SECS. 4150.1 AND 4160.1-2.

IN ACCORDANCE WITH 43 CFR 4130.3-2(D): ACTUAL USE INFORMATION, FOR EACH USE AREA, WILL BE SUBMITTED TO THE AUTHORIZED OFFICER WITHIN 15 DAYS OF COMPLETING GRAZING USE AS SPECIFIED ON THE GRAZING PERMIT AND/OR GRAZING LICENSES.

IN ACCORDANCE WITH 43 CFR 4120.3-1(A): ALL RANGE IMPROVEMENTS SHALL BE INSTALLED, USED, MAINTAINED, AND/OR MODIFIED ON THE PUBLIC LANDS, OR REMOVED FROM THESE LANDS, IN A MANNER CONSISTENT WITH MULTIPLE-USE MANAGEMENT.

IN ACCORDANCE WITH 43 CFR 4130.3-2(C): IN ORDER TO IMPROVE LIVESTOCK AND RANGELAND MANAGEMENT ON THE PUBLIC LANDS, ALL SALT BLOCKS AND/OR MINERAL SUPPLEMENTS WILL NOT BE PLACED WITHIN 1/4 MILE OF ANY RIPARIAN AREA, WET MEADOW, OR WATERING FACILITY (EITHER PERMANENT OR TEMPORARY) UNLESS STIPULATED THROUGH A WRITTEN AGREEMENT OR DECISION.

IN ACCORDANCE WITH 43 CFR 4130.3-2(H): ALL GRAZING PERMITTEES SHALL PROVIDE REASONABLE ACCESS ACROSS PRIVATE AND/OR LEASED LANDS TO THE BUREAU OF LAND MANAGEMENT FOR THE ORDERLY MANAGEMENT AND PROTECTION OF THE PUBLIC LANDS.

PURSUANT TO 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 OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). 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 BY THE AUTHORIZED OFFICER.

ALLOTMENT SUMMARY (AUM S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
0031 ARAMBEL	401	353	754

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 _____