

11/8/95



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:

4130 (NV-015)

NOV -8 1995

CERTIFIED NO. Z 047-316-226
RETURN RECEIPT REQUESTED

Sherie Rae Goring
9940 N. Highway 69
Deweyville, Utah 84309

The grazing regulations require consultation, cooperation, and coordination with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the 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. Therefore, to comply with the consultation requirements of the grazing regulations, the following decision is being issued:

AREA MANAGER'S PROPOSED DECISION

In October 1995, the Bureau received your application to transfer grazing privileges in the Utah/Nevada (South) Allotment from Charles R. Kippen and Sons to Sherie Rae Goring. The request for transfer is based on a three (3) year lease between the above parties. The following is the extent of the permitted use proposed to be transferred.

<i>ALLOTMENT</i>	<i>PERMITTED USE (AUMs)</i>
Utah/Nevada (South)	6,599

The base property for the grazing permit was also redescribed in the transfer application. See the enclosed map for the location of the allotment.

Sherie Rae Goring would be the sole permittee in the Utah/Nevada (South) Allotment. The grazing permit for this allotment has historically had 3,249 suspended nonuse AUMs, which are now documented in the Terms and Conditions of the grazing permit.

The Wells Resource Management Plan Record of Decision (RMP/ROD), which addressed public lands in this allotment, was signed July 16, 1985. The Utah/Nevada (South) Allotment was classified as an "M" (maintain) allotment, which means maintain the allotment in its current satisfactory condition. The initial stocking rate for this allotment, as stated in the Rangeland Program Summary issued on September 15, 1986, is the current permitted use.

Implementation of grazing use adjustments, if necessary, would be implemented based upon monitoring evaluations. A monitoring evaluation of the allotment is scheduled for 1996.

The Utah/Nevada (South) Allotment has been one of three pastures included in an allotment management plan (AMP) licensed under Charles R. Kippen and Sons. In 1992, the North pasture and the Silver Island pasture (in Utah) were transferred to other sheep operators. As a result of these transfers, the permittees requested and were granted temporary deviations from pasture rotations described in the AMP. Permanent changes to the AMP will be made, as appropriate, through the allotment evaluations.

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

<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>
Utah/Nevada (South)	6010 Sheep	11/10	02/28	100	active	4,387
	5500 Sheep	03/01	03/31	100	active	1,121
	4148 Sheep	04/01	05/10	100	active	<u>1,091</u>
					Total	6,599

Terms and Conditions

Suspended nonuse associated with the Utah/Nevada (South) Allotment is 3,249 AUMs.

The above grazing schedule is annual use authorized as a temporary deviation from the Utah/Nevada No. 1 AMP, pending completion of the allotment evaluation and decision process. Payment of grazing fees will be made prior to livestock turnout.

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

Approval of the transfer and permit is consistent with the Wells Resource Management Plan. The transferee, Sherie Rae Goring, 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 Bill Baker, Area Manager, P. O. Box 831, Elko, Nevada, 89803 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,

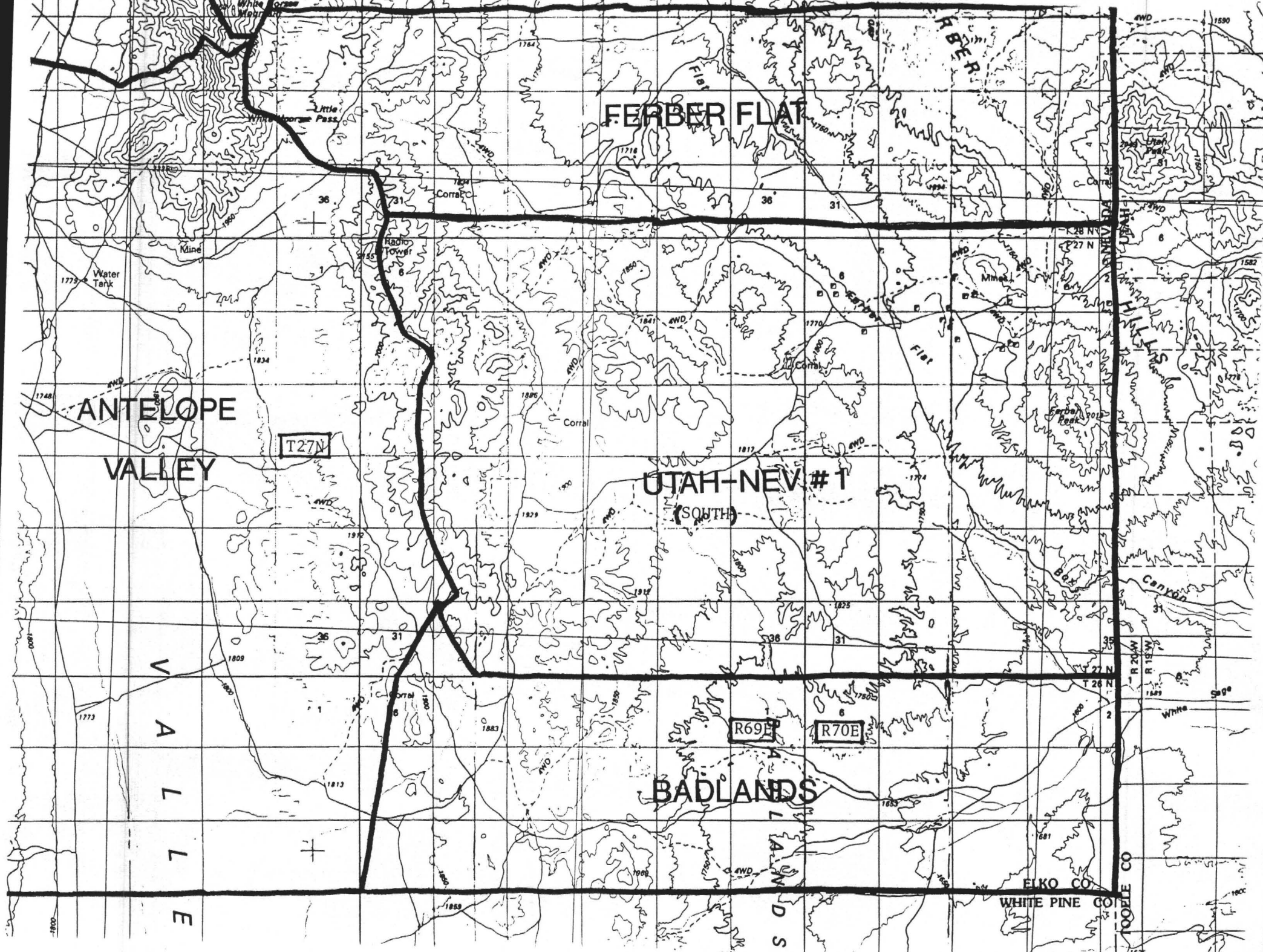


BILL BAKER, Manager
Wells Resource Area

Enclosure: as state above

cc: Charles R. Kippen and Sons
Nevada Dept. of Agriculture
Commission for the Preservation of Wild Horses
Natural Resources Defense Council
Nevada Land Action Assn.
The Nature Conservancy
Cliff Gardner
W. Shoshone Historic Preserv. Society

US Fish and Wildlife Service
Nevada Division of Wildlife
Sierra Club, Toiyabe Chapter
Wells Resource Area Grazing Assn.
Animal Protection Institute
HTT Resource Advisors
Gordon Temoak



FERBER FLAT

ANTELOPE VALLEY

UTAH-NEV #1 (SOUTH)

BADLANDS

T27N

R69E

R70E

V
A
L
L
E

ELKO CO
WHITE PINE CO
TOOELE CO

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE NV
OFFICE 015
OPERATOR NUMBER 271087
PREFERENCE CODE 03
DATE PRINTED 10/24/95
TERM 11/01/1995 TO 10/31/1998

GRAZING PERMIT

GORING, SHERIE RAE

9940 N. HWY. 69
DEWEYVILLE, UT 84309

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 REFERENCE 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 REFERENCE AS SHOWN BELOW UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS INCORPORATED HEREIN AND YOUR PAYMENT OF GRAZING FEES.

LOT ----- PASTURE	LIVESTOCK		GRAZING PERIOD		TYPE		AUM'S -----
	NUMBER	KIND	BEGIN	END	%PL	USE	
1327 UTAH-NEVADA AMP NO 1							
SOUTH	6010	SHEEP	11/10	02/28	100	ACTIVE	4387
SOUTH	5500	SHEEP	03/01	03/31	100	ACTIVE	1121
SOUTH	4148	SHEEP	04/01	05/10	100	ACTIVE	1091

TERMS AND CONDITIONS:

SUSPENDED NONUSE ASSOCIATED WITH THE UTAH/NEVADA (SOUTH) ALLOTMENT IS 3249 AUMS.

THE ABOVE GRAZING SCHEDULE IS ANNUAL USE AUTHORIZED AS A TEMPORARY DEVIATION FROM THE UTAH/NEVADA NO. 1 AMP, PENDING COMPLETION OF THE ALLOTMENT EVALUATION AND DECISION PROCESS. PAYMENT OF GRAZING FEES WILL BE MADE PRIOR TO LIVESTOCK TURNOUT.

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

OPERATOR NUMBER: 271087

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
04327 UTAH-NEVADA AMP NO 1	6599		6599

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: Sherrill Gorin DATE 11/4/95

AREA MANAGER: _____ DATE _____



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

November 21, 1995

Mr. Bill Baker
Elko District Office
Bureau of Land Management
3900 East Idaho Street
P.O. Box 831
Elko, Nevada 89801

Subject: Proposed Decision - Utah/Nevada

Dear Mr. Baker:

The Commission for the Preservation of Wild Horses appreciates making comments to decisions concerning the transfer of this permit. It was uncertain if this allotment has winter key areas were delineated in the Wells Wild Horse Amendment. We would appreciate some clarification concerning this issue.

The Antelope Herd Management Plan assured the Commission that livestock stocking rates and wild horse appropriate management levels would be established by allotment evaluations/multiple use decisions. As proposed the transfer does not established allowable use levels or utilization limits for winter key forage species, necessary for evaluations or environmental assessments. If wild horse appropriate management levels are to be established, then similar limitations should be set for each allotment for other users.

It would appear the season of use may conflict with the critical growing season for key winter forage species with the Resource Area.

We would appreciate your attention on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director

UT/NV. PER!

12/4/95



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:

4130 (NV-015)

DEC -4 1995

Commission for the Preservation
of Wild Horses
255 W. Moana Lane Suite 207A
Reno, NV 89509

Dear Ms. Barcomb:

This letter is in response to your correspondence of November 21, 1995, concerning the 3-year lease on the Utah/Nevada Allotment and the transfer of the permit on the West Whitehorse Allotment. We do not construe your letters as protests, but asking for clarification. We would like to take this opportunity to clarify your points about the Allowable Use Levels and Appropriate Management Levels.

The Utah/Nevada Allotment does fall within the Antelope Valley Herd Management Area combined winter use areas by wild horses and livestock as depicted on map 2 and 5 of the Proposed Wells Resource Management Plan Wild Horse Amendment and Environmental Assessment. The decision concerning this lease does not set allowable use levels nor appropriate management levels for livestock or wild horses. This will be done through the allotment evaluation and multiple use decision process.

The West Whitehorse Allotment also falls within the Antelope Valley Herd Management Area combined winter use areas, however wild horse use in this allotment is incidental and the last four years of aerial census data have not shown any wild horses in the allotment. Once again, allowable use levels and appropriate management levels will be set through the multiple use decision process.

Should you have any questions concerning the subject matter, please contact Kathy McKinstry or Bruce Thompson at (702) 753-0200.

Sincerely yours,

BILL BAKER, Manager
Wells Resource Area