

11/14/95

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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-014)

NOV 14 1995

CERTIFIED NO.
RETURN RECEIPT REQUESTED

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

AREA MANAGER'S PROPOSED DECISION

In October 1995, the Bureau received your application to transfer grazing privileges in the West White Horse Allotment from Metta Richins to Sherie Rae Goring. The following is the extent of the permitted use proposed to be transferred.

<i>ALLOTMENT</i>	<i>PERMITTED USE (AUMs)</i>
West White Horse	670

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 West Whitehorse Allotment. The grazing permit for this allotment has historically had 330 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 West White Horse 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 1997/98.

It is my proposed decision to approve the application to transfer grazing privileges and the associated ten-year grazing permit as 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>
W. White Horse	744 Sheep	11/15	3/31	100	permitted	670

Terms and Conditions

Suspended nonuse associated with the West White Horse Allotment is 330 AUMs.

Livestock numbers may increase or decrease as long as use will be consistent with achievement of the multiple use objectives. The licensed use period may be for a period of use less than the full use period described above, as long as use will be consistent with achievement of the multiple use objectives. Applications to graze before the Begin Period or after the End Period described above, will require consultation with affected permittees, the State having lands or responsible for managing the resources within the area, and the interested public, and require prior approval in writing from the authorized officer.

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

The RMP described the period of use as 12/15 to 3/31. The transferee has requested approval to turnout on or about 11/15 on a regular basis. The grazing permit displayed above allows the request for earlier turnout. Livestock grazing beginning 11/15 would be similar to grazing beginning on 12/15 because plants are in winter dormancy. Further changes to the livestock grazing permit described above will be addressed through the allotment evaluation process scheduled for 1997/98.

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.

6

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.

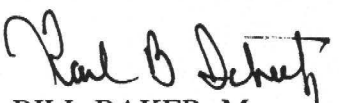
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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.

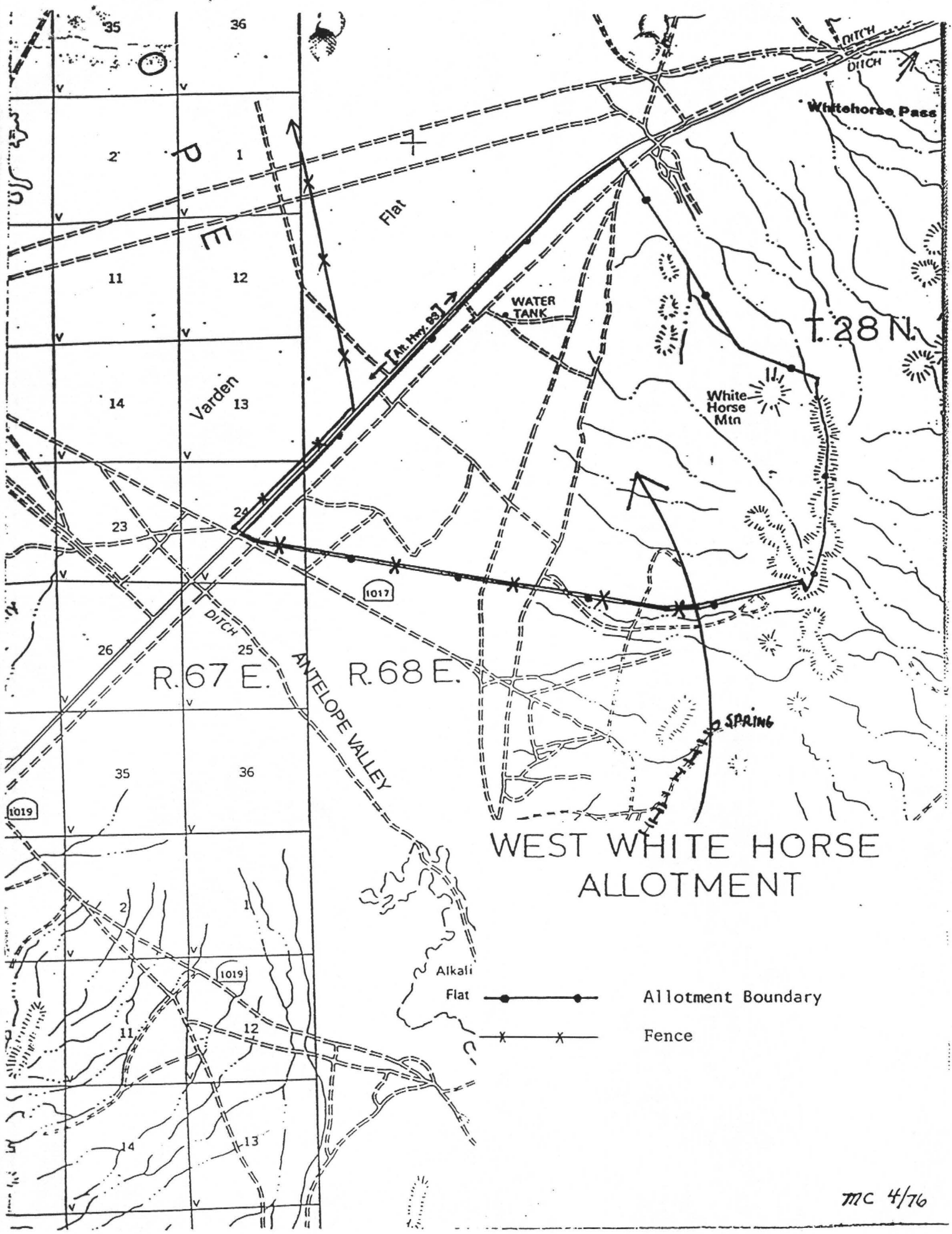
As noted above the petition for stay must be filed in the office of the authorized officer.

Sincerely yours,


BILL BAKER, Manager
for Wells Resource Area

Enclosure: as state above

cc: Metta Richins
US Fish and Wildlife Service
Nevada Dept. of Agriculture
Nevada Division of Wildlife
Commission for the Preservation of Wild Horses
Sierra Club, Toiyabe Chapter
Natural Resources Defense Council
Wells Resource Area Grazing Assn.
Nevada Land Action Assn.
Animal Protection Institute
The Nature Conservancy
HTT Resource Advisors
Cliff Gardner
Farm Credit Services
Gordon Temoak
W. Shoshone Historic Preservation Society



WEST WHITE HORSE ALLOTMENT

- Alkali Flat
- — ● Allotment Boundary
- X — X Fence

mc 4/76



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 - West White Horse

Dear Mr. Baker:

The Commission has provided comments to a previous notice concerning the transfer of this permit. It was uncertain if this allotment was within a herd management area or if winter key areas were delineated for the Wells Wild Horse Amendment. We would appreciate some clarification concerning this issue.

Livestock stocking rates were to be established by multiple use decisions as guaranteed by the Antelope Valley Wild Horse Herd Management Plan. The Proposed Decision does not established allowable use levels or utilization limits for winter key forage species. If wild horse appropriate management levels are to be established, then similar limitations should be set for each allotment for other users.

We would appreciate your attention on this matter.

Sincerely,

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

CATHERINE BARCOMB
Executive Director