



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Surprise Field Office
P.O. Box 460
602 Cressler Street
Cedarville, CA 96104
(530)279-6101 - (530)279-2171 FAX
February 8, 1999

2-8-99

In Reply Refer To:
4100 (CA-370) P

CERTIFIED MAIL #P 954 727 209
RETURN RECEIPT REQUESTED

Ms. Catherine Barcomb
Commission for the Preservation of Wild Horses
123 W. Nye Lane, Room 248
Carson City, NV 89706-0818

Dear Cathy:

C. Barcomb

PROPOSED DECISION

BACKGROUND

The grazing permit held by **Juanita Bicondoa** for grazing use on the **Tuledad Allotment, No. 802** was transferred to **Matthew Brown LS Richard Salwen** on January 5, 1999.

The Tuledad/Home Camp Final Environmental Impact Statement was issued in 1978. This document established multiple use goals and objectives which provide management guidance for the public lands in the Tuledad Allotment. This document designated the Tuledad Allotment as available for grazing.

43 CFR 4130.2 requires the authorized officer to issue grazing permits or leases to qualified applicants to authorize use on the public lands that are designated as available for livestock grazing through land use plans.

Grazing use on the Tuledad Allotment was analyzed in Plan Conformance/NEPA Compliance Record No. CA-370-99-03. It was found to be in conformance with the applicable land use plan. A Rangeland Health Assessment was completed for the Tuledad Allotment in December 1998. This assessment found that all the Fallback Standards were being met, or significant progress was being made toward meeting the standards.

PROPOSED DECISION

Based on all information available to me, it is my decision to issue a permit to Matthew Brown LS Richard Salwen to authorize grazing use in the Tuledad Allotment, No. 802. The permit shall be issued as follows:

<u>Allotment Name</u>	<u>Number & Class of Livestock</u>	<u>Period of Use</u>	<u>% P.L.</u>	<u>Total Permitted Use</u>
Tuledad	1000 Sheep	04/16 to 06/19	100%	425

The term of the grazing permit shall be from March 1, 1999 to December 31, 2008, which corresponds with the term of the base property lease.

The following terms and conditions shall be incorporated in the permit:

1. "The terms and condition of your permit or lease may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180 (Rangeland Health Standards and Guidelines)".
2. "All grazing use will be in accordance with the Tuledad Allotment Grazing Decision and all other applicable decisions."
3. "Billing will be based on actual use reports submitted 15 days following the last authorized take off date for your permit."
4. "Any increases or extensions in grazing use must receive prior approval from the authorized officer."

AUTHORITY

The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principles of multiple use and sustained yield and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the [specified livestock grazing use] in a grazing permit or grazing lease and shall make changes in the specified livestock grazing use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provision of sub part 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4130.2(a): "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans..."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1: "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

4130.3-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

PROTEST AND PROCEDURES

In accordance with 43 CFR 4160.2, any applicant, permittee, lessee or other affected interest may protest this proposed decision under 43 CFR Sec. 4150., in person or in writing to the Authorized Officer at the following address: Susan T. Stokke, Field Manager, Surprise Field Office, P.O. Box 460, Cedarville, CA 96104. Any protest must be filed 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 accordance with 43 CFR 4160.3(a), "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 person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination of the appeal. The appeal and petition for stay must be filed in the office of the Authorized Officer at the address stated 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 a stay, the appellant shall show sufficient justification based on the following standards, as required by 43 CFR 4.21(b)(1):

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,

A handwritten signature in cursive script that reads "Susan T. Stokke". The signature is written in black ink and is positioned above the printed name.

Susan T. Stokke
Surprise Field Manager

February 18, 1999

Susan T. Stokke, Surprise Field Manager
BLM-Surprise Field Office
PO Box 460
602 Cressler Street
Cedarville, CA 96104

Dear Susan,

Thank you for the opportunity to review and comment on the Tuledad Allotment Proposed Decision. We support monitoring to distinguish wild horse and livestock utilization of key forage species.

Please continue to keep us informed of your progress on this allotment.

Sincerely,

CATHERINE BARCOMB
Administrator