3-23-83

IN REPLY REFER TO

4120(CA-020)
Stewardship

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Surprise Resource Area Hdqrs.
P.O. Box 460
Cedarville, California
96104

March 23, 1983

Dawn Lappin
Wild Horse Organized Assistance
P.O. Box 555
Reno, NV 89504

Dear Dawn:

Last week, we presented the last High Rock/Massacre Mountain Technical Review Team Report to the Steering Committee. During the presentation, Bob Bunyard stated that he agrees with all of the TRT recommendations except for the reduction in his livestock use because of what he feels were past inequities in establishing grazing preference in the Massacre Mountain and Little High Rock Allotments.

Therefore, it was agreed that the BLM would issue a decision that only reaffirms the current grazing preferences at this time. This step allows Bob the opportunity for litigation based on his concerns without delaying the implementation of the rest of the TRT recommendations. Bob has signed an agreement to this affect and we have sent it to Ken and Doris Earp for concurrence. Copies of the Agreement and Proposed Decisions are enclosed.

In affect, the Proposed Decisions and Agreement allow us to move forward with implementation of the TRT recommendations. I view this as a very positive step in the implementation of management in the High Rock/Massacre Mountain Area.

The Steering Committee also recognized the good work of the TRT and extends its sincere appreciation for a job well done under difficult circumstances. I cannot agree more. Well done!!

If you have any questions, please feel free to call.

Sincerely,

Lee Delaney
Surprise Resource Area Manager

Enclosures (4)
1-Bob Bunyard's Proposed Decision
2-Ken Earp's Proposed Decision
3-Doris Earp's Proposed Decision
4-Agreement

CONSERVE AMERICA'S ENERGY

Save Energy and You Serve America!

4190(CA-020)
Case File

Susanville District
P.O. Box 1090
Susanville, California
96130

March 21, 1983

PROPOSED DECISION
(43 CFR 4160.1-1)

CERTIFIED MAIL #P315 850 785
RETURN RECEIPT REQUESTED

Doris Earp
29012 Palomares Rd.
Hayward, CA 94546

Dear Mrs. Earp:

I wish to compliment the efforts of the Modoc/Washoe Experimental Stewardship Committee and its' Technical Review Team of which you were a participant. The recommendations made by the Team and the Committee will form the basis for sound resource management in the High Rock Canyon Area.

All issues have been resolved by agreement with exception of one point of contention. The unresolved point is the grazing preference for the Massacre Mountain and Little High Rock Allotments. I have therefore accepted the TRT Report as amended by the Steering Committee and am issuing this decision for the sole purpose of resolving the amount and proportion of grazing preference for all parties.

The basis for the grazing preference is documented in the 1963 Little High Rock Federal Range Qualification and Allotment Boundary Decision, the 1964 Massacre Mountain Allotment Boundary Decision, the 1965 and 1968 Massacre Mountain Allotment Adjudication Agreements, the 1962-1965 Susanville Grazing Advisory Board Minutes, and the 1975 BLM-White Pine Lumber Co. Land Exchange.

The grazing preference for the Massacre Mountain and Little High Rock Allotments is as follows:

Allotment	Bunyard Exchange of Use	Bunyard Active	Bunyard Susp	Bunyard Total	Earp[1/] Active	Earp[1/] Susp	Earp[1/] Total
Little High Rock	0	0	0	0	1,545	1,077	2,622
Massacre Mountain	176	2,254	564	2,818	6,738	1,600	8,338
Total	176	2,254	564	2,818	8,283	2,677	10,960

1/ Ken and Doris Earp each with undivided ½ interest.

Allotment	Proportion of Active Preference (%) Bunyard	Earp
Little High Rock	0	100%
Massacre Mountain	25%	75%

Future adjustments (increase or decrease) in grazing preference for the Little High Rock or Massacre Mountain Allotments will be made proportionately based on the percentages described in the above table.

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed fifteen (15) days from receipt of this notice within which to file such protest with the District Manager, Bureau of Land Management, at the address so stated. A protest may be made either in person or in writing and should specify the reasons, clearly and concisely, as to why you think the proposed decision is in error. If a protest is filed within the time allowed, the protest statement of reasons and other pertinent information will be considered and a final decision will be issued by the District Manager with a right to appeal (43 CFR 4160.3(b) and 4160.4).

In the absence of a protest within the time allowed, this proposed decision shall be issued as the final decision (43 CFR 4160.3(a)). If this becomes the final decision and you or other interested parties wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470, you are allowed thirty (30) days from the receipt of this notice within which to file such appeal with the District Manager, Bureau of Land Management, Susanvile District Office, P.O. Box 1090, Susanville, California 96130.

The appeal shall state clearly and concisely why you think the decision is in error. All grounds of error not stated will be considered waived. In the event of an appeal, grazing use, as authorized prior to the decision will continue pending final action on the appeal (43 CFR 4160.3(c)).

Sincerely,

for Bob Dickey
C. Rex Cleary, District Manager

3/21/83
Date

cc: State Director
Burt Stanley
Jim Cockrell
Larry Hill
Donnell Richards

4190(CA-020)
Case File

Susanville District
P.O. Box 1090
Susanville, California
96130

March 18, 1983

PROPOSED DECISION
(43 CFR 4160.1-1)

B.G. Bunyard
P.O. Box 184
Cedarville, CA 96104

Dear Bob:

I wish to compliment the efforts of the Modoc/Washoe Experimental Stewardship Committee and its' Technical Review Team of which you were a participant. The recommendations made by the Team and the Committee will form the basis for sound resource management in the High Rock Canyon Area.

All issues have been resolved by agreement with exception of one point of contention. The unresolved point is the grazing preference for the Massacre Mountain and Little High Rock Allotments. I have therefore accepted the TRT Report as amended by the Steering Committee and am issuing this decision for the sole purpose of resolving the amount and proportion of grazing preference for all parties.

The basis for the grazing preference is documented in the 1963 Little High Rock Federal Range Qualification and Allotment Boundary Decision, the 1964 Massacre Mountain Allotment Boundary Decision, the 1965 and 1968 Massacre Mountain Allotment Adjudication Agreements, the 1962-1965 Susanville Grazing Advisory Board Minutes, and the 1975 BLM-White Pine Lumber Co. Land Exchange.

The grazing preference for the Massacre Mountain and Little High Rock Allotments is as follows:

Allotment	Bunyard Exchange of Use	Bunyard Active	Bunyard Susp	Bunyard Total	Earp 1/ Active	Earp 1/ Susp	Earp 1/ Total
Little High Rock	0	0	0	0	1,545	1,077	2,622
Massacre Mountain	176	2,254	564	2,818	6,738	1,600	8,338
Total	176	2,254	564	2,818	8,283	2,677	10,960

1/ Ken & Doris Earp, each with an undivided ½ interest

Allotment	Proportion of Active Preference (%) Bunyard	Earp
Little High Rock	0	100%
Massacre Mountain	25%	75%

Future adjustments (increase or decrease) in grazing preference for the Little High Rock or Massacre Mountain Allotments will be made proportionately based on the percentages described in the above table.

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed fifteen (15) days from receipt of this notice within which to file such protest with the District Manager, Bureau of Land Management, at the address so stated. A protest may be made either in person or in writing and should specify the reasons, clearly and concisely, as to why you think the proposed decision is in error. If a protest is filed within the time allowed, the protest statement of reasons and other pertinent information will be considered and a final decision will be issued by the District Manager with a right to appeal (43 CFR 4160.3(b) and 4160.4).

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Sincerely,

for LeRoy L. Delaney
C. Rex Cleary, District Manager

March 18, 1983
Date

I, LeRoy L. Delaney certify that on the 18th day of March, 1983, I served written notice on B.G. Bunyard of P.O. Box 184, Cedarville, California 96104 the party's address of record, by a true copy of the within notice by personal service.

B.G. Bunyard

LeRoy L. Delaney
LeRoy L. Delaney, Server

cc: State Director
Burt Stanley
John Baker

4190(CA-020)
Case File

Susanville District
P.O. Box 1090
Susanville, California
96130

March 21, 1983

PROPOSED DECISION
(43 CFR 4160.1-1)

CERTIFIED MAIL #P315 850 784
RETURN RECEIPT REQUESTED

Ken Earp
805 Fletcher
Hayward, CA 94544

Dear Ken:

I wish to compliment the efforts of the Modoc/Washoe Experimental Stewardship Committee and its' Technical Review Team of which you were a participant. The recommendations made by the Team and the Committee will form the basis for sound resource management in the High Rock Canyon Area.

All issues have been resolved by agreement with exception of one point of contention. The unresolved point is the grazing preference for the Massacre Mountain and Little High Rock Allotments. I have therefore accepted the TRT Report as amended by the Steering Committee and am issuing this decision for the sole purpose of resolving the amount and proportion of grazing preference for all parties.

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The appeal shall state clearly and concisely why you think the decision is in error. All grounds of error not stated will be considered waived. In the event of an appeal, grazing use, as authorized prior to the decision will continue pending final action on the appeal (43 CFR 4160.3(c)).

Sincerely,

for Bill Stanley
C. Rex Cleary, District Manager

3/31/83
Date

cc: State Director
Burt Stanley
Jim Cockrell
Larry Hill
Donnell Richards

AGREEMENT

An Administrative Grazing Decision dated March 18, 1983 has been issued to determine the amount and proportion of grazing preference in the Little High Rock and Massacre Mountain allotments. Pending the outcome of the grazing preference determination (and not a period to exceed 2 years), it is agreed that voluntary nonuse will be taken as follows:

Ken and Doris Earp	2,040 AUMs
Bob Bunyard	497 AUMs
TOTAL	2,537 AUMs

After the proportions of grazing preference have been established, the following documents will govern the administration of the allotments:

TRT Report dated 6/24 and 6/25/82
TRT Report dated 2/24/83
Earp letter dated 2/28/83

Bob Bunyard — Bob Bunyard — 3/14/83
Bob Bunyard — Date

Ken Earp — Date

Doris Earp — Date

Area Manager — Date

1984-1985 AD