

7/2/87

IN REPLY REFER TO:

4130(C-028)
Case File/AMP



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SURPRISE RESOURCE AREA
P.O. Box 460
Cedarville, CA 96130

July 2, 1987

NOTICE OF FINAL DECISION (43 CFR 4160.1-1)

Dawn Lappin
WHOA
P.O. Box 555
Reno, NV 89504

Dear Dawn:

Recently you received the Proposed Decision for the Massacre Mountain Allotment dated May 22, 1987. This Proposed Decision stated that in the absence of any protest it will become the Final Decision for the Allotment. A protest was not received from you, however, protests were received from Bob Bunyard and White Pine Lumber Company. In accordance with 43 CFR 4160.3(b) their protests were considered and changes to elements #6 and #7 of the Proposed Decision were made, all other elements remain unchanged. Element #9 was added at Ken Earp's request. The TRT recommendations (June 24-25, 1982 meeting) and agreements (February 24, 1983 meeting) attached to the Proposed Decision (dated May 22, 1987) by reference became part of this Final Decision. The Final Decision reflects the changes as follows:

6. The maximum season of use for the cattle operations in this allotment will be April 1 to September 30, An April 1 turnout will be allowed only in the Dog Leg Area of the Massacre Mountain Allotment. The earliest turnout which will be allowed in other areas of the allotment will be April 16. The maximum season of use for Bunyard's sheep operation will be April 1 to June 30 and October 8 to December 7 (43 CFR 4130.6-1(a)).

The basis for this element of the Final Decision is Technical Review Team #17, #18, & #19 (June 24-25, 1982) and the Cowhead/Massacre Management Framework Plan III.

7. Moderate use (41 to 60 percent) will be the acceptable utilization standards for the Massacre Mountain Allotment on native rangeland (43 CFR 4120.2(a)). The maximum allowable utilization on major use areas will be 60 percent if systematic grazing management is providing sufficient rest or deferment on native range in the allotment.

The basis for this element of the Final Decision is the Cowhead/Massacre Management Framework Plan III and TRT recommendation #16 (June 24-25, 1982).

9. Cattle will be allowed to graze the High Rock Canyon Complex and east of High Rock on a prescriptive basis only. Grazing will be scheduled only when it benefits other resources. Therefore, the area may not be grazed on an annual basis, and, as such, is not considered part of the grazing preference.

The basis for this element is TRT recommendations #3 and #5 (June 24-25, 1982) and the Cowhead/Massacre Management Framework Plan III.

In accordance with 43 CFR 4160.4, any person whose interest may be adversely affected by this Final Decision has 30 days to file, in writing, an appeal for the purpose of a hearing before an Administrative Law Judge. The appeal shall be filed with the Surprise Resource Area Manager, P.O. Box 460, Cedarville, CA 96104. The appeal shall clearly and concisely state why you feel the Final Decision is in error. All grounds for error not stated will be considered waived.

In the event of an appeal within the 30 day time period, grazing use as authorized prior to this decision will continue pending final action on the appeal (43 CFR 4160.3(c)). In the absence of an appeal, this Final Decision will become effective with the next grazing season, beginning March 1, 1988.

Sincerely,



Lee Delaney
Surprise Resource Area Manager

cc: District Manager
State Director
Burt Stanley
Larry Hill
Doris Earp