



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko District Office
3900 E. Idaho Street
P.O. Box 831
Elko, Nevada 89803

In Reply Refer To:
4130 (NV-015)

CERTIFIED MAIL NO. Z 350 231 017
RETURN RECEIPT REQUESTED

FEB 29 1996

Egbert Livestock, LLC
HC 60 Box 135
Wells, NV 89835

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

On February 9, 1996, the Bureau received your application to transfer grazing privileges in the West Big Springs Allotment from Newmont Gold Company to Egbert Livestock, LLC. 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:

ALLOTMENT	ACTIVE USE (AUMs)	SUSPENDED (AUMs)	PERMITTED USE (AUMs)
Big Springs	5,277	108	5,385

The entire base property associated with the grazing permit was leased by Egbert Livestock, LLC and has not changed. See the enclosed map for the location of the allotments.

The Wells Resource Management Plan Record of Decision (RMP/ROD), which addressed public lands in this allotment, was signed July 16, 1985. The Big Springs Allotment was classified as an "I" (improve) allotment, which means improve current conditions. The initial stocking rate for the Big Springs Allotment, as stated in the Rangeland Program Summary (RPS) issued on September 15, 1986, is the current permitted use. The permitted use indicated above reflects only the west side of the allotment.

On September 1990, a rangeline agreement splitting the Big Springs Allotment into a west and east side was signed. For the past year, F. Scott and Laurel S. Egbert have had the grazing privileges on a

portion of the west side as per a base property lease with Newmont Gold Company. As per this transfer, F. Scott and Laurel S. Egbert, under the company name of Egbert Livestock, LLC, would acquire all of the grazing privileges associated with the West Big Springs Allotment.

Implementation of grazing use adjustments, if necessary, would be implemented based upon monitoring evaluations. A monitoring evaluation of the above allotments is scheduled for 1997.

Offering this permit is consistent with the Wells Resource Management Plan. The transferee, Egbert Livestock, LLC, meets all qualifications of 43 CFR 4110.1, 4110.2-1, 4110.2-2 and 4110.2-3 and has accepted the terms and conditions of the term grazing permit, therefore, it is my proposed decision to offer you a 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>
Big Springs	457 C	03/01	02/28	96	Active	5,262
	15 C	03/01	03/30	100	Active	15
Total						5,277

Terms and Conditions

Your grazing use area within the Big Springs Allotment will be limited to the west side of the allotment. This includes the Independence Valley Pasture, Holborn Pasture, and that portion of the North Pequop Mountain Pasture which is situated west of the rangeline that separates R. 65 E., R. 66 E. north of I-80.

You shall submit an Actual Grazing Use Report for the Big Springs Allotment that describes grazing use by livestock number, dates of use, and geographic area within 15 days of completion of authorized use under this permit.

Grazing in the Independence Valley Pasture of the Big Springs Allotment will be in accordance with the "Notice of Closure to Livestock Grazing" decision issued April 10, 1995. The temporary suspension of 108 AUMs are a result of the Wood Hills fire closure as outlined in the decision.

Line 2 is federal AUMs (15) fenced within private fields.

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

Please review the enclosed term grazing permit and sign and date and return both copies to this office.

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

Enclosures. As stated.

cc:

Newmont Gold Company
Animal Protection Institute
Nevada Division of Wildlife
Natural Resources Defense Council
U.S. Fish and Wildlife Service
Kenneth Jones
Von Sorensen
Kathryn Cushman
Wild Horse Organized Assistance
Federal Land Bank
Sierra Club - Toiyabe Chapter
Commission for the Preservation of
Wild Horses

Nature Conservancy
Elko Co. Advisory Board to Manage Wildlife
Wells Resource Area Grazing Association
Gordon Temoak
W. Shoshone Historic Preservation Society
Edie Wilson
Larry Schutte
Rutgers Law School
NV Division of Environmental Protection
Nevada Land and Resource Company
BSR Associates, Ltd.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE	NV
OFFICE	015
OPERATOR NUMBER	271094
PREFERENCE CODE	03
DATE PRINTED	02/29/96
TERM	03/01/1996 TO 02/28/1999

2/29/96

EGBERT LIVESTOCK, LLC

F. SCOTT EGBERT
HC 60 BOX 135
WELLS, NV 89835

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

ALLOT

PASTURE	LIVESTOCK		GRAZING PERIOD		TYPE		AUM"S
	NUMBER	KIND	BEGIN	END	%PL	USE	
04306 BIG SPRINGS	457	CATTLE	03/01	02/28	96	ACTIVE	5265
FENCED FEDERAL RANGE	15	CATTLE	03/01	03/30	100	ACTIVE	15

TERMS AND CONDITIONS:

YOUR GRAZING USE AREA WITHIN THE BIG SPRINGS ALLOTMENT WILL BE LIMITED TO THE WEST SIDE OF THE ALLOTMENT. THIS INCLUDES THE INDEPENDENCE VALLEY PASTURE, HOLBORN PASTURE, AND THAT PORTION OF THE NORTH PEQUOP MOUNTAIN PASTURE WHICH IS SITUATED WEST OF THE RANGELINE THAT SEPARATES R. 65 E., R. 66 E. NORTH OF I-80.

YOU SHALL SUBMIT AN ACTUAL GRAZING USE REPORT FOR THE BIG SPRINGS ALLOTMENT THAT DESCRIBES GRAZING USE BY LIVESTOCK NUMBER, DATES OF USE AND GEOGRAPHIC AREA WITHIN 15 DAYS OF COMPLETION OF AUTHORIZED USE UNDER THIS PERMIT.

GRAZING IN THE INDEPENDENCE VALLEY PASTURE OF THE BIG SPRINGS ALLOTMENT WILL BE IN ACCORDANCE WITH THE "NOTICE OF CLOSURE TO LIVESTOCK GRAZING" DECISION ISSUED APRIL 10, 1995. THE TEMPORARY SUSPENSION OF 108 AUMS ARE A RESULT OF THE WOOD HILLS FIRE CLOSURE AS OUTLINED IN THE DECISION.

LINE 2 IS FEDERAL AUMS (15) FENCED WITHIN PRIVATE FIELDS.

SUPPLEMENTAL FEEDING IS LIMITED TO SALT, MINERAL AND/OR PROTEIN

OPERATOR NUMBER: 271094

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.

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
04306 BIG SPRINGS	5277	108	5385

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:

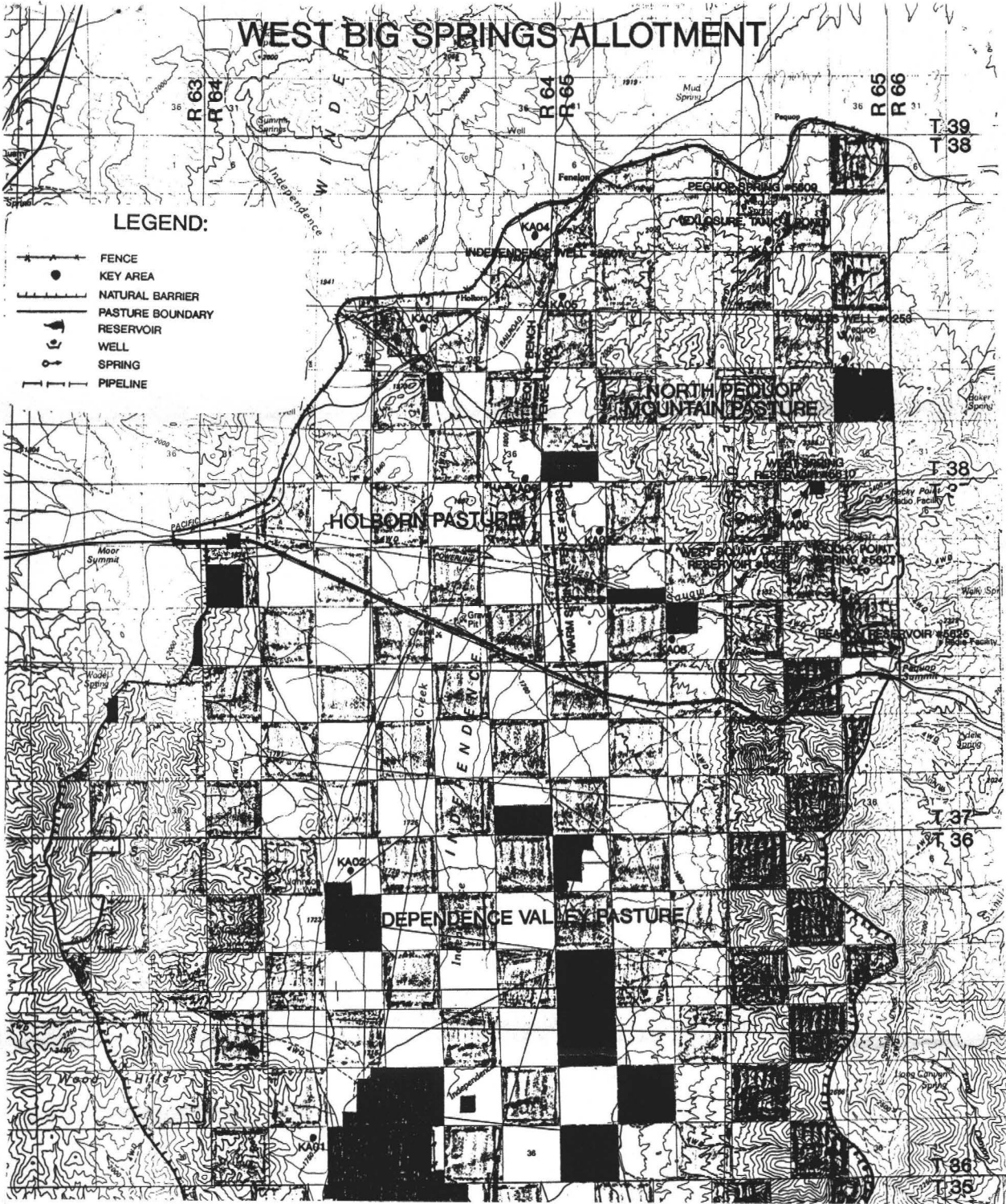
SIGNATURE OF PERMITTEE: _____ DATE _____

AREA MANAGER: _____ DATE _____

WEST BIG SPRINGS ALLOTMENT









LEGEND:

- FENCE
- KEY AREA
- NATURAL BARRIER
- PASTURE BOUNDARY
- RESERVOIR
- WELL
- SPRING
- PIPELINE



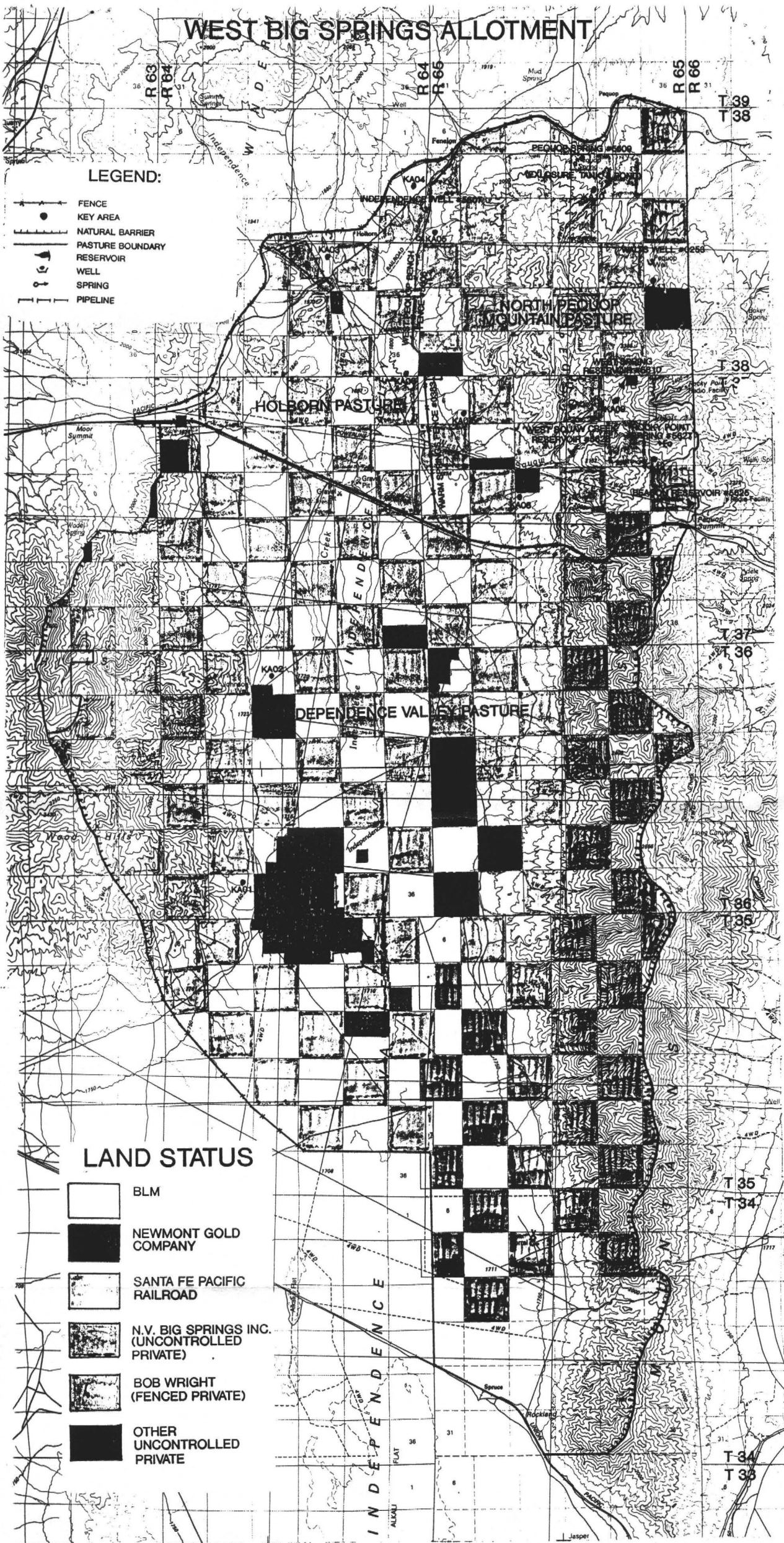
WEST BIG SPRINGS ALLOTMENT

LEGEND:

-  FENCE
-  KEY AREA
-  NATURAL BARRIER
-  PASTURE BOUNDARY
-  RESERVOIR
-  WELL
-  SPRING
-  PIPELINE

LAND STATUS

-  BLM
-  NEWMONT GOLD COMPANY
-  SANTA FE PACIFIC RAILROAD
-  N.V. BIG SPRINGS INC. (UNCONTROLLED PRIVATE)
-  BOB WRIGHT (FENCED PRIVATE)
-  OTHER UNCONTROLLED PRIVATE





**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

**255 W. Moana Lane
Suite 207A**

**Reno, Nevada 89509
(702) 688-2626**

March 13, 1996

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

Subject: Big Springs Long Term Permit

Dear Mr. Baker:

Thank you for consulting the Commission concerning the Big Springs Allotment long term permit. It is unclear if this allotment is within a wild horse herd area. The checkerboard status of land ownership may have excluded this allotment from a herd area in the recent land use plan amendment.

The Wells Resource Management Plan is approaching 10 years in life. New data must exist for the an environmental assessment.

We would encourage the District to preform an allotment evaluation and multiple use decision prior to the term of this grazing permit.

Sincerely,

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

CATHERINE BARCOMB
Executive Director



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane
Suite 207A

Reno, Nevada 89509
(702) 688-2626

March 13, 1996

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Wells Resource Area
Bureau of Land Management
3900 East Idaho Street
P.O. Box 831
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Sincerely,

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

CATHERINE BARCOMB
Executive Director

check cost cover
phone

3/27/96



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko District Office
3900 E. Idaho Street
P.O. Box 831
Elko, Nevada 89803

In Reply Refer To:
4130 (NV-010)

MAR 27 1996

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 letter dated March 13, 1996, concerning the 3-year lease on the Big Springs Allotment. We do not construe your letter as a protest, but rather asking for clarification.

A portion of the Goshute Herd Management Area (HMA) occurs within the Big Springs Allotment. Refer to Maps 5 and 6 of the Proposed Wells Resource Management Plan Wild Horse Amendment and Environmental Assessment.

As indicated in the Area Manager's Proposed Decision dated February 29, 1996, the Big Springs Allotment Evaluation is scheduled for completion in 1997.

If you have any further questions, please contact Kathy McKinstry or Leticia Lister at (702) 753-0200.

Sincerely yours,

RAYMOND G. LISTER, Acting Manager
Renewable Resources