

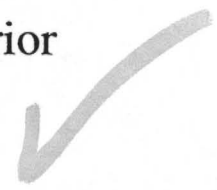
WEST CHELSEY CIR 22K 1/31/96



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko District Office
P.O. Box 831
Elko, Nevada 89803



In Reply Refer To:
4130 (NV-015)

JAN 31 1996

CERTIFIED NO. Z-350-230-886
RETURN RECEIPT REQUESTED

Bertrand Paris & Sons
HC 33 Box 33840
Ely, NV 89301

Upon review of our grazing case files, we have found that Bertrand Paris & Sons permit will expire on February 29, 1996. In accordance with the new grazing regulations, permittees are now required to have a grazing permit in addition to their annual grazing license.

In December 1995, the Bureau sent Bertrand Paris & Sons a letter explaining the need to have a grazing permit, and included a listing of the terms and conditions that would apply to livestock grazing. In January 1996, Bertrand Paris & Sons signed and returned a form titled **Acceptance of Terms and Conditions, and Request for Grazing Permit.**

The grazing regulations require consultation, cooperation and coordination with affected permittees or lessees, the State having lands or responsibility for managing resources within the area, and interested public prior to the issuance or renewal of grazing permits or leases. In order to comply with the consultation requirements of the grazing regulations, the following decision is being issued:

AREA MANAGER'S PROPOSED DECISION

It is my proposed decision to approve the grazing permit (enclosed and described below) for the period 3/1/1996 through 2/28/2006.

<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>
West Cherry Creek	230 Cattle	5/01	9/30	96	active	1,111
West Cherry Creek	50 Cattle	10/01	10/31	96	active	49
West Cherry Creek	13 Cattle	8/01	8/31	100	active	13
West Cherry Creek	1,800 Sheep	5/01	5/14	96	active	159
West Cherry Creek	1,500 Sheep	5/15	5/31	96	active	161
West Cherry Creek	1,273 Sheep	6/01	10/25	96	active	1,181
					Total	2,674

Terms and Conditions

Line three is federal aums (13) fenced within private fields

Authorized grazing use will be in accordance with the West Cherry Creek AMP, as amended by the Area Manager's Final Multiple Use Decision for the West Cherry Creek Allotment dated 9-30-94

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

Mr. Paris please sign and return the enclosed permit.

See the enclosed map for the location of the West Cherry Creek Allotment.

Bertrand Paris & Sons will be the sole permittee in the West Cherry Creek Allotment.

An Allotment Evaluation for the West Cherry Creek Allotment was completed in December 1993. The Area Manager's Final Multiple Use Decision was issued on September 30, 1994. The grazing permit includes terms and conditions that livestock grazing be in accordance with the Final Multiple Use Decision.

Approval of the permit is consistent with the Wells Resource Management Plan.

Authority for this decision is found in 43 CFR 4100.0-8, 4110.2-2, 4130.2, 4130.3, 4160.1 and 4160.3.

Any applicant, permittee 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 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

Enclosure: as state above

cc: The Nature Conservancy
Natural Resources Defense Council
Nevada Dept. of Agriculture
Nevada Division of Wildlife
Sierra Club, Toiyabe Chapter
Animal Protection Institute of America
Wild Horse Organized Assistance
Commission for the Preservation of Wild Horses
Gordon Temoak
US Fish and Wildlife Service
W. Shoshone Historic Preservation Society
Wells Resource Area Grazing Assn.
Rutgers Law School
Kathryn Cushman
American Horse Protection Association, Inc.

Cliff Gardner
Farm Credit Services
Louise Lear
Eddie Wilson

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE NV
OFFICE 015
OPERATOR NUMBER 271036
PREFERENCE CODE 03
DATE PRINTED 01/30/96
TERM 03/01/1996 TO 02/28/2006
BWCJ 1/30/96

GRAZING PERMIT

PARIS, BERT AND SONS

BUREAU OF LAND MANAGEMENT
WELLS RESOURCE AREA
P.O. BOX 831
ELKO, NV 89803

HC 33 BOX 33840
ELY, NV 89301

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	
04350 WEST CHERRY CREEK	230	CATTLE	05/01	09/30	96	ACTIVE	1111
	50	CATTLE	10/01	10/31	96	ACTIVE	49
	13	CATTLE	08/01	08/30	100	ACTIVE	13
	1800	SHEEP	05/01	05/14	96	ACTIVE	159
	1500	SHEEP	05/15	05/31	96	ACTIVE	161
	1273	SHEEP	06/01	10/25	96	ACTIVE	1181

TERMS AND CONDITIONS:

LINE THREE IS FEDERAL AUMS (13) FENCED WITH PRIVATE FIELDS.

AUTHORIZED GRAZING USE WILL BE IN ACCORDANCE WITH THE WEST CHERRY CREEK AMP, AS AMENDED BY THE AREA MANAGER'S FINAL MULTIPLE USE DECISION FOR THE WEST CHERRY CREEK ALLOTMENT DATED 9-30-94

ACTUAL USE WILL BE SUBMITTED TO THIS OFFICE WITHIN 15 DAYS OF 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 ENCLOSURES, INCLUDING SPRING DEVELOPMENT ENCLOSURES, ARE

OPERATOR NUMBER: 271036

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.

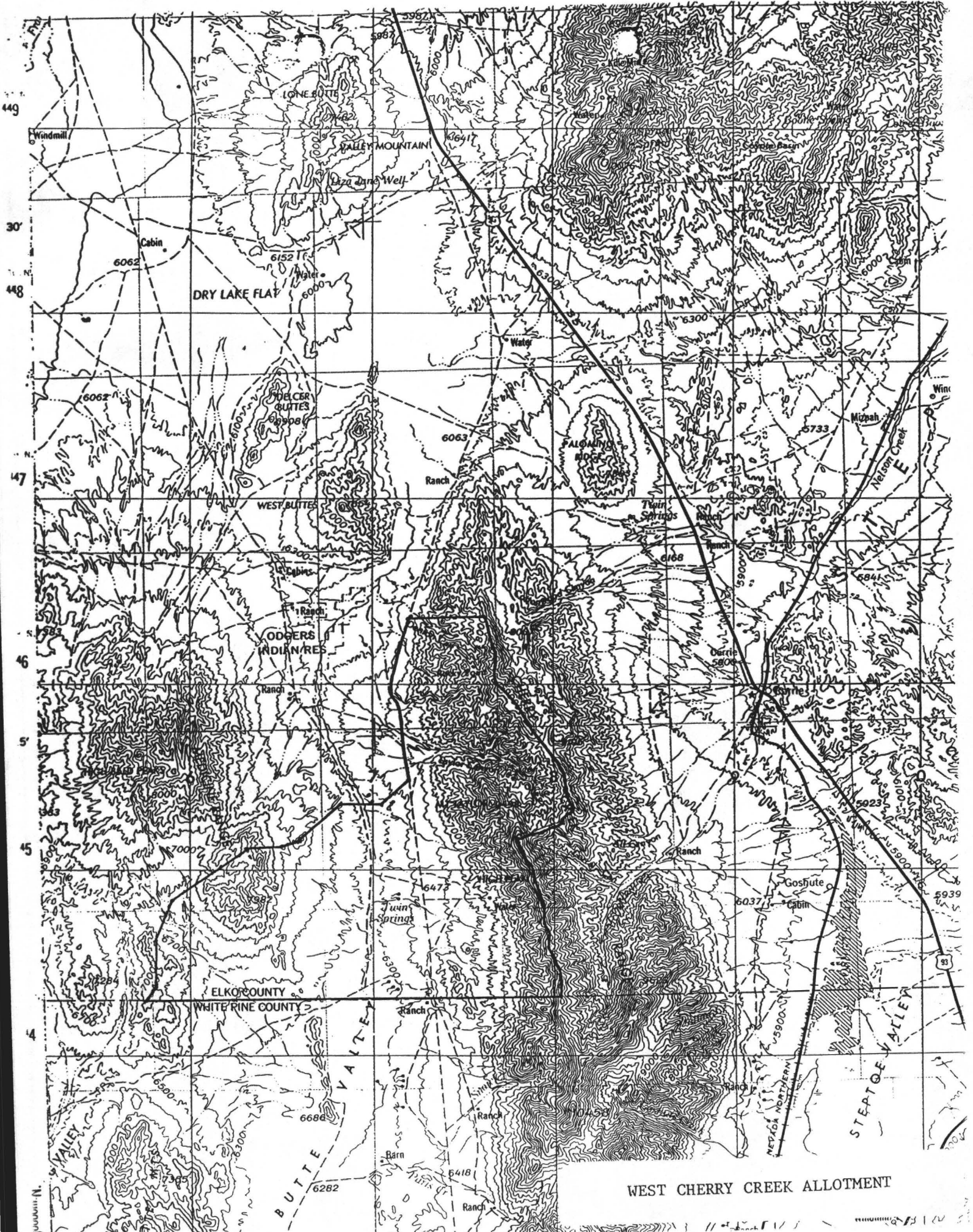
ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
04350 WEST CHERRY CREEK	2674		2674

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 CHERRY CREEK ALLOTMENT



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

February 8, 1996

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

Subject: West Cherry 10 Year Permit

Dear Mr. Baker:

Thank you for consulting the Commission concerning the issuance of the 10 year grazing permit for the West Cherry Creek Allotment. It would be helpful to identify other affected resources associated with this allotment.

We are encouraged that a multiple use decision has been issued for this allotment. Due to the lack of resource activity plans, we would suggest that specific terms and conditions be provided to identify management actions necessary to achieve resource objectives of the multiple use decision. This additional information will assure the Commission that wild horse habitat is protected.

Sincerely,

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

CATHERINE BARCOMB
Executive Director