

Gold Butte

L 4-21-94

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
LAS VEGAS DISTRICT OFFICE  
4765 Vegas Drive  
P.O. Box 26569  
Las Vegas, Nevada 89126

In Reply Refer To

4160  
(NV-054)

CERTIFIED MAIL NO. 2525027  
RETURN RECEIPT REQUESTED

APR 21 1994

PROPOSED DECISION  
GOLD BUTTE ALLOTMENT GRAZING APPLICATION

Dennis B. Whitmore  
P. O. Box 196  
Overton, Nevada 89040

Dear Mr. Whitmore:

On September 20, 1993, I received your grazing application to graze 325 cattle on the Gold Butte allotment, from June 1, 1994, to August 31, 1994, within the Stateline Resource Area. Gold Butte Ranches Inc., transferred the base properties and grazing privileges for the Gold Butte allotment to The Nature Conservancy on August 26, 1993. The Nature Conservancy owns the base properties and the grazing privileges attached to the aforementioned base properties.

Based on the above and following information, you do not meet the mandatory qualifications to graze your livestock on public rangeland.

1. You did not show proof of ownership or control of the water base properties to which the grazing privileges are attached.
2. You did not supply information showing you are in the livestock business.

Therefore, based on the above information, my proposed decision is to deny your application dated and signed September 17, 1993 for all 325 cattle for the period June 1, 1994 to August 31, 1994.

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

4110.1: "Except as provided under 4110.1-1, 4130.3 and 4130.4-3, to qualify for grazing use on the public lands an applicant must be engaged in the livestock business, must own or control land or water base property and must be:

- (a) A citizen of the United States....
- (b) A group or association authorized to do business in the State in which the grazing use is sought....
- (c) A corporation authorized to conduct business in the State in which the grazing use is sought."

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 a protest with the Stateline Resource Area Manager, Bureau of Land Management, 4765 Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126.

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision without further notice in accordance with 43 CFR 4160.3 (a). Should this notice become the final decision and if you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.3 (c), 4160.4 and 4.470, you are allowed (30) thirty days from receipt of this notice to file an appeal with the Stateline Resource Area Manager, Bureau of Land Management, at the above address.

The appeal shall state the reasons, clearly and concisely, as to why you think this Final Decision is in error.

Sincerely,

**MARVIN D. MORGAN**

Marvin D. Morgan  
Area Manager