



United States Department of the Interior

BUREAU OF LAND MANAGEMENT



Owyhee Field Office
20 First Avenue West
Marsing, Idaho 83639

<http://www.blm.gov/id/st/en/Districts-Idaho/BDO/owyhee.html>

In Reply Refer To:
4160 ID130

September 20, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Cert# 7013109000018706 6694

Hanley Ranch Partnership
c/o Michael Hanley
P.O. Box 271
Jordan Valley, OR 97910

NOTICE OF FIELD MANAGER'S PROPOSED DECISION

Dear Mr. Hanley:

This proposed decision responds to your grazing application dated February 15, 2013 that this office received on February 19, 2013 for the following use in during the 2013 grazing year:

Allotment	Pasture Number	Livestock		Period		% PL Use	Type Use	AUMs
		Number	Kind	Begin	End			
Hanley FFR	-	1	C	6/1/2013	12/30/2013	100	Active	7
Trout Springs	5	4	C	6/15/2013	12/31/2013	100	Active	25
	1-4	410	C	6/15/2013	8/30/2013	100	Non-use	1053

Background

On August 4, 2009, you elected to exercise your grazing preference¹ (or priority for grazing permit renewal) and timely applied for renewal of your grazing permit. BLM thereafter processed your permit renewal application. During the processing of your permit renewal application, BLM determined that you were not qualified to receive a new permit based on your unsatisfactory record of performance over the period of the last grazing permit. As a result of that finding, BLM

¹ "Grazing preference" or "preference" means a superior or priority position against others for the purpose of receiving a grazing permit, and this priority is attached to base property. See 43 CFR 4100.0-5.

issued a decision dated December 16, 2009, denying your August 4, 2009, application to renew your grazing permits for the Trout Springs and Hanley FFR grazing allotments. This action was taken in accordance with 43 CFR 4110.1(b)(1) and 43 CFR Subpart 4160. *See BLM Decision of December 2009.*

Pending resolution of your appeal of the BLM's December 2009 decision, you were authorized to graze Pasture 5 (Fairylawn Pasture) of the Trout Springs Allotment and the Hanley FFR Allotment through the expiration of the previous grazing permit. However, that previous grazing permit expired February 28, 2012. Per IBLA Order dated May 31, 2012, your ability to make application and graze as specified under the existing permit was "extended until such time as the Board issued its decision on the merits..." of the appeal pending in Hanley Ranch Partnership et. al. vs. Bureau of Land Management, IBLA 2011-147.

Although you timely applied for grazing use for the 2013-14 grazing year, the BLM's December 2009 decision was affirmed by the IBLA on March 12, 2013. Because the opinion of the Board affirmed BLM's finding that you were unqualified to hold a renewed grazing permit, your grazing preference, or priority for permit renewal, terminated by operation of law. In addition, it is now undisputed that you do not hold a valid grazing permit for either the Trout Springs or the Hanley FFR Grazing Allotments.

Decision

Per IBLA Order dated March 12, 2013, BLM correctly decided to not issue you a renewed grazing permit for the Trout Springs and Hanley FFR Allotments. Accordingly, and because you do not currently hold a grazing permit for either allotment, I must deny your February 15, 2013 application for annual grazing use. Such use can only be authorized to persons possessing a valid grazing permit. *See 43 CFR § 4140.1(b)(1)(i).*

Though you no longer have privileges as an existing permittee and preference holder on the Trout Springs and Hanley FFR Allotments, you may apply for preference and a new grazing permit (as opposed to a renewed grazing permit) in the future. You will be allowed to establish your qualifications as a permittee in accordance with 43 CFR 4110. Any application you submit will be carefully and fairly evaluated. If you choose to apply, keep in mind that BLM cannot guarantee that it will grant you preference and/or issue you a new grazing permit as part of that process.

Right of Protest and/or Appeal

Any applicant, permittee, lessee or other interested publics may protest a proposed decision under Sec. 43 CFR 4160.1 and 4160.2, in person or in writing to Loretta V. Chandler, Owyhee Field Office Manager, at 20 First Avenue West, Marsing, Idaho 83639 within 15 days after receipt of such decision. The protest, if filed should clearly and concisely state the reason(s) why the proposed decision is in error.

In accordance with 43 CFR 4160.3(a), 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.

In accordance with 43 CFR 4160.3(b), upon a timely filing of a protest, after a review of protest received and other information pertinent to the case, the authorized officer shall issue a final decision.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision or within 30 days after the date the proposed decision becomes final. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471 pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer, as noted above. In accordance with 43 CFR 4.401, BLM does not accept fax or email filing of a notice of appeal or a petition for a stay. The person/party must also serve a copy of the appeal on the Office of the Solicitor, Boise Field Solicitors Office, University Plaza, 960 Broadway Ave., Suite 400, Boise Idaho, 83706 and person(s) named [43 CFR 4.421(h)] in the copies sent to: section of this decision.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must 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 and served in accordance with 43 CFR 4.471.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal, see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

If you have any questions, please contact me at 208-896-5913.

Sincerely,

/s/ Loretta V. Chandler
Loretta V. Chandler
Field Office Manager
Owyhee Field Office

cc: Interested Publics for the Trout Springs and Hanley FFR Allotments (as attached)

**TROUT SPRINGS and HANLEY FFR ALLOTMENTS INTERESTED PUBLIC:
Hanley Ranch Partnership Proposed Decision 2013**

Name & Address

Golden Eagle Audubon Society, PO Box 8261, Boise, ID 83707
Boise District Grazing Board, Stan Boyd, PO Box 2596, Boise, ID 83701
Budd-Falen Law Offices PC, PO Box 346, Cheyenne, WY 82003
Idaho Wild Sheep Foundation, Herby Meyr, 570 E 16th N, Mountain Home, ID 83647
Friends of Mustangs, Robert Amidon, 8699 Gantz Ave, Boise, ID 83709
Gusman Ranch Grazing Assoc. LLC., Forest Fretwell, 27058 Pleasant Valley Rd., Jordan Valley, OR 97910
ID Cattle Association, PO Box 15397, Boise, ID 83715
ID Conservation League, John Robison, PO Box 844, Boise, ID 83701
ID Dept of Agriculture, John Biar, PO Box 7249, Boise, ID 83707
ID Dept of Parks & Recreation, Director, PO Box 83720, Boise, ID 83720
ID Native Plant Society, President, PO Box 9451, Boise, ID 83707
Idaho Dept of Lands, PO Box 83720, Boise, ID 83720
IDEQ, 1445 N Orchard, Boise, ID 83706
Juniper Mtn Grazing Assn., Michael Stanford, 3581 Cliffs Rd., Jordan Valley, OR 97910
Land & Water Fund, William Eddie, PO Box 1612, Boise, ID 83701
LU Ranching, Time Lowry, PO Box 132, Jordan Valley, OR 97910
Maestresjuan, Teo & Sara, 26613 Pleasant Valley Rd., Jordan Valley, OR 97910
Moore Smith Buxton & Turcke, Paul Turche, 950 W Bannock, Ste 520, Boise, ID 83702
OR Natural Desert Assoc., Brent Fenty, 50 SW St #4, Bend OR 97702
Oregon Division State Lands, 1645 NE Forbes Rd., Ste 112, Bend OR 97701
Oregon Natural Resources Council, 5825 N. Greeley, Portland, OR 97217
Owyhee Cattlemen's Assn., PO Box 400, Marsing, ID 83639
Owyhee County Commissioners, PO Box 128, Murphy, ID 83650
Owyhee County Natural Resources Committee, Jim Desmond, PO Box 38, Murphy, ID 83650
Payne Family LLC., Ted Payne, 41691 Juniper Mtn Rd., Jordan Valley, OR 97910
R&S Enterprise, Ray Mitchell, 265 Millard Rd., Shoshone, ID 83352
Ranges West, 2410 Little Weiser Rd, Indian Valley, ID 83632
Resource Advisory Council, Chair, Gen Gray, 2393 Watts Lane, Payette, ID 83661
Schroeder & Lezamiz Law Offices, PO Box 267, Boise, ID 83203
Shoshone-Bannock Tribes, Tribal Chair, Nathan Small, PO Box 306, Ft. Hall, ID 83203
Sierra Club, PO Box 552, Boise, ID 83701

**TROUT SPRINGS and HANLEY FFR ALLOTMENTS INTERESTED PUBLIC:
Hanley Ranch Partnership Proposed Decision 2013**

Name & Address

State Historic Preservation Office, 210 Main St., Boise, ID 83702
The Nature Conservancy, Lou Lunte, 950 W. Bannock St., Ste 210, Boise, ID 83702
The Wilderness Society, 950 W. Bannock St., Ste 210, Boise, ID 83702
US Fish & Wildlife Service, 1387 S Vinnell Way, Rm 368, Boise, ID 83709
Western Watershed Projects, PO Box 1770, Hailey, ID 83333
Western Watershed Projects, Katie Fite, PO Box 2863, Boise, ID 83701
Alice Armstrong, 2781 NE Sunset View Lane, Prineville, OR 97754
John Barringer, 6016 Pierce Park, Boise, ID 83703
Chad Gibson, 16770 Agate Ln, Wilder, ID 83676
Brian Goller, 2722 E Starcrest, Boise, ID 83712
Vernon Kershner, PO Box 38, Jordan Valley, OR 97910
Kenny Kerhsner, PO Box 300, Jordan Valley, OR 97910
Brett Nelson, 9127 Preece St, Boise, ID 83704
Ramona Pascoe, PO Box 126, Jordan Valley, OR 97910
Bob Salter, 6109 N. River Glenn, Garden City, ID 83714
John Richards, 8933 State Hwy. 78, Marsing ID. 83639
Colyer Cattle Co., Ray & Bonnie Colyer, 31001 Colyer Rd. Bruneau, ID 83604
Holland & Hart LLP, PO Box 2527, Boise, ID 83701
Idaho Wild Sheep Foundation, Jim Jeffress, PO Box 8224, Boise, ID 83707
Idaho Farm Bureau Fed., PO Box 167, Boise, ID 83701
Intermountain Range Consultants, Bob Schweigert, 5700 Dimick Ln., Winnemucca, NV 89445
International Society for the Protection of Horses & Burros, PO Box 55, Lantry, SD 57636
Jaca Livestock, Elias Jaca, 817 Blaine Ave., Nampa, ID 83651
Natural Resources Defense Council, Johanna Wald, 111 Sutter St. 20th Floor, San Francisco, CA 94104
Congressman: Raul Labrador, 1523 Longworth HOB, Washington, DC 20515
Soil Conservation District, Cindy Bachman, PO Box 186, Bruneau, ID 83604
State of NV Division of Wildlife, 60 Youth Center Rd., Elko, NV 89801
The Fund for the Animals Inc., Andrea Lococo, 1363 Overbacker, Louisville, KY 40208
USDA Farm Services, 9173 W. Barnes, Boise, ID 83704
Russ Heughins, 10370 W. Landmark Ct., Boise, ID 83704
Tony & Brenda Richards, 8935 Whiskey Mtn. Rd., Reynolds Cr., Murphy, ID 83650
Sandra Mitchell, PO Box 70001, Boise, ID 83707
Martin & Susan Jaca, 21127 Upper Reynolds Cr. Rd., Murphy, ID 83650

**TROUT SPRINGS and HANLEY FFR ALLOTMENTS INTERESTED PUBLIC:
Hanley Ranch Partnership Proposed Decision 2013**

Name & Address

Senator: James E. Risch, Russell Senate Office Building, Washington, DC 20510

Conrad Bateman, 740 Yakima St., Vale, OR 97918

Gene Bray, 5654 W. El Gato Ln. Meridian, ID 83642

Dan Jordan, 30911 Hwy. 78, Oreana, ID 83650

Floyd Kelly Breach, 9674 Hardtrigger Rd., Given Springs, ID 83641

Lloyd Knight, PO Box 47, Hammett, ID 83627

Earl Maggard, 7833 Happey Valley Rd., Kuna, ID 83634

John Romero, 17000 2X Ranch Rd., Murphy, ID 83650

Karen Sussman, PO Box 55, Lantry, SD 57636

John Townsend, 8306 Road 3.2 NE., Moses Lake, WA 98837

Senator: Mike Crapo, 239 Dirksen Senate Office Building, Washington, DC 20510

Congressman: Mike Simpson, 2312 Rayburn House Office Building, Washington, DC 20515