



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Owyhee Field Office
20 First Ave West
Marsing, ID 83639
(208) 896-5912



In Reply Refer To:
4160 ID130

November 22, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

NOTICE OF FIELD MANAGER'S FINAL GRAZING DECISION

Dear Mr. Hanley:

This final grazing 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 exercised your grazing preference¹ (or priority for grazing permit renewal) and timely applied for renewal of your grazing permit. The Bureau of Land Management (BLM) thereafter processed your permit renewal application. During the processing of your permit renewal application, the BLM determined that you were not qualified to receive a new permit based on your unsatisfactory record of performance under your last

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.

grazing permit. As a result of that finding, the BLM issued a decision dated December 16, 2009, denying your August 4, 2009, application to renew your grazing permits for the Trout Springs and Hanley Fenced Federal Range (FFR) grazing allotments. This action was taken in accordance with 43 CFR 4110.1(b)(1) and 43 CFR Subpart 4160. See BLM's 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 during the term of your grazing permit as it then existed. However, that grazing permit expired February 28, 2012. Per Interior Board of Land Appeals (IBLA) Order dated May 31, 2012, your ability to make application and graze as specified under that 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 IBLA affirmed the BLM's decision 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.

I issued a proposed decision to deny your 2013 grazing application on September 20, 2013. I received timely protests of that proposed decision from you and John and Martha Corrigan. I have concluded my review of these protests and have decided to not change the actions described by the proposed decision. My response to the protests is attached with this final decision.

Final Decision

The IBLA, by Order dated March 12, 2013, affirmed that the BLM correctly decided to not issue you a renewed grazing permit for the Trout Springs and Hanley FFR Allotments due to your unsatisfactory record of performance under your last permit. Accordingly, you do not currently qualify for grazing use on the public lands. Therefore, I deny your February 15, 2013 application for annual grazing use.

You no longer have priority for receipt of a new permit or lease for grazing use on the Trout Springs and Hanley FFR Allotments. Should the BLM determine to allow additional grazing use on these allotments, it will satisfy the requirements at 43 CFR 4110.3-1 (b) and (c) regarding apportionment of forage available on a sustained yield basis for livestock. These requirements establish a priority basis for apportioning such additional forage. Satisfaction of these requirements may or may not lead to you and other interested applicants being provided with the opportunity to apply to use the forage under terms and conditions specified by the BLM and authorized by a permit. Should the BLM solicit such grazing applications, all applicants would be required to establish their qualifications to be a permittee in accordance with 43 CFR 4110 and all applications would be carefully and fairly evaluated.

Rationale

Evaluating whether an applicant for a renewed grazing permit has a satisfactory record of performance and declining to give preference for renewal to those applicants who do not, as this decision does, ensures that the BLM complies with relevant law expressed at 43 U.S.C. 1752(c) which provides in relevant part that, “[s]o long as ... the permittee ... is in compliance with the rules and regulations issued and the terms and conditions in the permit or lease ... the holder of the expiring permit or lease shall be given first priority for receipt of the new permit or lease.” Not giving preference to renew the permit or lease that they held to those who were not in substantial compliance with the rules and regulations and the terms and conditions applicable to that permit or lease furthers the intent and desire of the BLM and the Department of Interior to ensure that holders of BLM grazing permits and leases are good stewards of the public lands.

Right of Appeal

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in writing in for the purpose of a hearing before an administrative law judge in accordance with 43 CFR § 4160.3(c), 4160.4, 4.21, and 4.470. The appeal must be filed within 30 days following receipt of the final decision or within 30 days following receipt of the final decision. 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:

Loretta V. Chandler
Owyhee Field Office Manager
20 First Avenue West
Marsing, Idaho 83639

In accordance with 43 CFR § 4.401, the BLM does not accept fax or email filing of a notice of appeal and petition for stay. Any notice of appeal and/or petition for stay must be sent or delivered to the office of the authorized officer by mail or personal delivery.

Within 15 days of filing the appeal, or the appeal and petition for stay, with the BLM officer named above, the appellant must also serve copies on other person named in the copies sent to section of this decision in accordance with 43 CFR 4.421 and on the Office of the Regional Solicitor located at the address below in accordance with 43 CFR § 4.470(a) and 4.471(b).

Boise Field Solicitors Office
University Plaza
960 Broadway Ave., Suite 400
Boise Idaho, 83706

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

Attachment:

1) Response to Protest Statements

cc: Interested Publics for the Trout Springs and Hanley FFR Allotments

**TROUT SPRINGS and HANLEY FFR ALLOTMENTS INTERESTED
PUBLIC:**

Hanley Ranch Partnership Final 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 790, Boise, ID 83701-0790
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
ID EQ, 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, Tim Lowry, PO Box 132, Jordan Valley, OR 97910
Maestrestre Juan, Teo & Sara, 26613 Pleasant Valley Rd., Jordan Valley, OR 97910
Moore Smith Buxton & Turcke, Paul Turcke, 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 128, 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 8362
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
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
TROUT SPRINGS and HANLEY FFR ALLOTMENTS INTERESTED PUBLIC: Hanley Ranch Partnership Final Decision 2013
Name & Address
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 8374
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, Karen Sussman, 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, 33 E. Broadway Ave., Ste. 251, Meridian, ID 83642
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
Senator: James E. Risch, 350 N. 9th St., Ste. 302, Boise, ID 83702
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

**TROUT SPRINGS and HANLEY FFR ALLOTMENTS INTERESTED
PUBLIC:**

Hanley Ranch Partnership Final Decision 2013

Name & Address

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

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

Senator: Mike Crapo, 251 E. Front St., Ste. 205, Boise, ID 83702

Congressman: Mike Simpson, 802 W. Bannock, Ste. 600, Boise, ID 83702

K. John & M. Martha Corrigan, PO Box 844, Crane, OR 97732

Response to Protest Points

Field Manager's Proposed Decision dated September 20, 2013

Hanley Ranch Partnership (HRP) Proposed Decision to deny 2013 grazing use

Trout Springs and Hanley FFR

The Owyhee Field Office (OFO) received two protests regarding the Field Manager's Proposed Decision to deny the 2013 grazing application submitted by HRP for the Trout Springs and Hanley FFR allotments. Protests were received from:

- A. Hanley Ranch Partnership (HRP) received on October 17, 2013
- B. K. John and M. Martha Corrigan (Corrigan) received on October 17, 2013

Protest points will be addressed in the order listed above.

HRP -

Protest 1. HRP protests that they were not issued a bill at the time that the application was submitted. *"HRP applied for grazing use on February 15, 2013, as the HRP decision admits on page 1. On that date, HRP still had an authorization to graze livestock per IBLA Order dated May 31, 2013, as the HRP Decision also admits at page 2. As such, it was legally and factually erroneous that the BLM did not issue to HRP a 2013 grazing billing consistent with its application on or about February 15, 2013."*

BLM Response: HRP filed a grazing application with the BLM on February 19, 2013. The Grazing Schedule submitted as part of the application requested grazing use on the Trout Springs and Hanley FFR allotments, the soonest to begin on the Hanley FFR on June 1, 2013. The BLM's billing system prints grazing bills approximately 45 days before the first scheduled livestock turn-on date that the BLM has approved and the BLM issues them shortly after they are printed (typically within one week). Therefore, assuming the BLM had approved the use, the BLM would not have issued the bill for Mr. Hanley until approximately April 15. Even if the BLM had issued a bill consistent with the IBLA Stay Order soon after it received the grazing application, it would have cancelled and retracted it in accordance with the IBLA's Merit Order.

Protest 2. HRP states *"HRP applied for grazing use on February 15, 2013, to graze livestock in the Haney FFR Allotment beginning on June 1, 2013 and within Pasture 5 (aka Fairy lawn Pasture) of the Trout Springs Allotment beginning June 15, 2013 as the HRP Decision admits at page 1. HRP acknowledges that the IBLA issued a decision on March 12, 2013, which affirmed the non-renewal of HRP's grazing permit. Based thereon, it would seem that the BLM would have had the authority at that time to then cancel any grazing billing which should have been issued before June 1, 2013, as discussed in HRP Protest #1"*.

BLM Response: See BLM Response to Protest 1 above.

Protest 3. HRP protests that their preference is terminated with the cancellation of the associated grazing permit. *"The cited "BLM's December 2009 decision" (aka "Notice of Field Manager's Proposed Decision" dated December 16, 2009, issued to Hanley Ranch Partnership)*

and the cited IBLA decision (aka Hanley ranch Partnership et al. v. Bureau of Land Management, 183 IBLA 184 (2013)), did not “terminate” HRP’s Grazing Preferences. HRP’s USDI-BLM Grazing Preferences (and associated Permitted use) within the Hanley FFR Allotment and Trout Springs Allotment remain attached to HRP’s “base property.” 43 C.F.R. 4110.2; 43 C.F.R. 4110.2-1; 43 C.F.R. 4110.2-3.”

BLM Response: Your grazing preference “terminated” upon the expiration of the HRP grazing permit because you were found to have an unsatisfactory record of performance. This finding was affirmed by Administrative Law Judge Robert G. Holt on April 6, 2011, and further upheld by Administrative Judge James K. Jackson on March 12, 2013.

Grazing preference is identified as “a superior or priority position against others for the purpose of receiving a grazing permit or lease. This priority is attached to base property owned or controlled by the permittee or lessee.” “Preference” serves as the relative position to receive a grazing permit before any other applicant, but, if the preference holder is not a qualified applicant, the “preference” would have no existence with respect to such an entity, as in this case. You reference 4110.2-1, which identifies the process and requirements for base property. In addition, you reference 4110.2-3, which identifies the transfer process we follow when control or ownership of base property with attached preference changes hands. It is mutually agreed that 1) HRP did NOT lose ownership or control of their base property, and 2) HRP did NOT make application to transfer grazing preference prior to the expiration of their grazing permit. Therefore, the sections of the regulations referenced are irrelevant for this decision.

HRP exercised their preference when they applied for permit renewal on the Trout Springs and Hanley FFR Allotments. This application triggered BLM’s inquiry into their record of performance. HRP was subsequently found to have an unsatisfactory record of performance, resulting in the disapproval of a renewed grazing permit. Because HRP could not realize the basic (and only) benefit of receiving “priority position against others for the purpose of receiving a grazing permit,” HRP’s preference disappeared when it could no longer take advantage of that priority.

Protest 4. HRP states “Given the lack of cancellation of HRP’s grazing permit and grazing preferences by the “BLM’s December 2009 decision”, HRP’s USDI-BLM Grazing Preferences (and associated Permitted use) within the Hanley FFR Allotment and Trout Springs Allotment –

- Remained attached to “base property” in accordance with ” 43 C.F.R. 4110.2; 43 C.F.R. 4110.2-1; 43 C.F.R. 4110.2-3; and
- Remained available for HRP to apply for a grazing permit or to transfer said Grazing Preferences to another applicant.”

BLM Response: As stated above, you did not lose ownership or control of its base property, nor did you transfer grazing preference prior to the expiration of its grazing permit. Therefore the regulations that you referenced are irrelevant to this decision. Additionally, I wish to clarify that the December 16, 2009 Decision did not “cancel” the HRP grazing permit, as claimed by your protest. The BLM determined under 43 CFR 4110.1(b) that HRP’s record of performance was unsatisfactory and therefore their permit was not renewed. This action was affirmed by

Administrative Law Judge Robert G. Holt in his April 6, 2011 Order and further upheld by Administrative Judge James K. Jackson on March 12, 2013.

Corrigan -

Protest 1. Corrigan protests that the Hanley Ranch Partnership (HRP) was not issued a bill at the time that the application was submitted. *“HRP applied for grazing use on February 15, 2013, as the HRP decision admits on page 1. On that date, HRP still had an authorization to graze livestock per IBLA Order dated May 31, 2013, as the HRP Decision also admits at page 2. As such, it was legally and factually erroneous that the BLM did not issue to HRP a 2013 grazing billing consistent with its application on or about February 15, 2013.”*

BLM Response: HRP filed a grazing application with the BLM on February 19, 2013. The Grazing Schedule submitted as part of the application requested grazing use on the Trout Springs and Hanley FFR allotments, the soonest to begin on the Hanley FFR on June 1, 2013. The BLM’s billing system prints grazing bills approximately 45 days before the first scheduled livestock turn-on date that the BLM has approved and the BLM issues them shortly after they are printed (typically within one week). Therefore, assuming the BLM had approved the use, the BLM would not have issued the bill for Mr. Hanley until approximately April 15. Even if the BLM had issued a bill consistent with the IBLA Stay Order soon after it received the grazing application, it would have cancelled and retracted it in accordance with the IBLA’s Merit Order.

Protest 2. Corrigan states *“HRP applied for grazing use on February 15, 2013, to graze livestock in the Haney FFR Allotment beginning on June 1, 2013 and within Pasture 5 (aka Fairy lawn Pasture) of the Trout Springs Allotment beginning June 15, 2013 as the HRP Decision admits at page 1. HRP acknowledges that the IBLA issued a decision on March 12, 2013, which affirmed the non-renewal of HRP’s grazing permit. Based thereon, it would seem that the BLM would have had the authority at that time to then cancel any grazing billing which should have been issued before June 1, 2013, as discussed in HRP Protest #1”*.

BLM Response: See BLM Response to Protest 1 above.

Protest 3. Corrigan protests that HRP’s preference is terminated with the cancellation of the associated grazing permit. *“The cited “BLM’s December 2009 decision” (aka “Notice of Field Manager’s Proposed Decision” dated December 16, 2009, issued to Hanley Ranch Partnership) and the cited IBLA decision (aka Hanley ranch Partnership et al. v. Bureau of Land Management, 183 IBLA 184 (2013)), did not “terminate” HRP’s Grazing Preferences. HRP’s USDI-BLM Grazing Preferences (and associated Permitted use) within the Hanley FFR Allotment and Trout Springs Allotment remain attached to HRP’s “base property.” 43 C.F.R. 4110.2; 43 C.F.R. 4110.2-1; 43 C.F.R. 4110.2-3.”*

BLM Response: HRP’s grazing preference “terminated” upon the expiration of the HRP grazing permit because HRP was found to have an unsatisfactory record of performance. This finding was affirmed by Administrative Law Judge Robert G. Holt on April 6, 2011, and further upheld by Administrative Judge James K. Jackson on March 12, 2013.

Grazing preference is identified as “a superior or priority position against others for the purpose of receiving a grazing permit or lease. This priority is attached to base property owned or controlled by the permittee or lessee.” “Preference” serves as the relative position to receive a grazing permit before any other applicant, but, if the preference holder is not a qualified applicant, the “preference” would have no existence with respect to such an entity, as in this case. You reference 4110.2-1, which identifies the process and requirements for base property. In addition, you reference 4110.2-3, which identifies the transfer process we follow when control or ownership of base property with attached preference changes hands. It is mutually agreed that 1) HRP did NOT lose ownership or control of their base property, and 2) HRP did NOT make application to transfer grazing preference prior to the expiration of their grazing permit. Therefore, the sections of the regulations referenced are irrelevant for this decision.

HRP exercised their preference when they applied for permit renewal on the Trout Springs and Hanley FFR Allotments. This application triggered BLM’s inquiry into their record of performance. HRP was subsequently found to have an unsatisfactory record of performance, resulting in the disapproval of a renewed grazing permit. Because HRP could not realize the basic (and only) benefit of receiving “priority position against others for the purpose of receiving a grazing permit,” HRP’s preference disappeared when it could no longer take advantage of that priority.

Protest 4. Corrigan states “*Given the lack of cancellation of HRP’s grazing permit and grazing preferences by the “BLM’s December 2009 decision”, HRP’s USDI-BLM Grazing Preferences (and associated Permitted use) within the Hanley FFR Allotment and Trout Springs Allotment –*

- *Remained attached to “base property” in accordance with ” 43 C.F.R. 4110.2; 43 C.F.R. 4110.2-1; 43 C.F.R. 4110.2-3; and*
- *Remained available for HRP to apply for a grazing permit or to transfer said Grazing Preferences to another applicant.”*

BLM Response: As stated above, HRP did not lose ownership or control of its base property, nor did HRP transfer grazing preference prior to the expiration of its grazing permit. Therefore the regulations that you referenced are irrelevant to this decision. Additionally, I wish to clarify that the December 16, 2009 Decision did not “cancel” the HRP grazing permit, as claimed by your protest. The BLM determined under 43 CFR 4110.1(b) that HRP’s record of performance was unsatisfactory and therefore their permit was not renewed. This action was affirmed by Administrative Law Judge Robert G. Holt in his April 6, 2011 Order and further upheld by Administrative Judge James K. Jackson on March 12, 2013.