



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Wells Field Office
3900 East Idaho Street
Elko, Nevada 89801

http://www.blm.gov/nv/st/en/fo/elko_field_office.html

In Reply Refer To:
4130 (NVE03000)

Grazing Permit Renewal Decision Barton Allotment

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Pleasant Valley Grazing Association
c/o Lowell Curtis
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Twin Falls, ID 83301

On 6 March 2014, the Wells Field Office released a Standards and Guidelines for Rangeland Health Assessment for the Barton Allotment. This document presented all available monitoring data for the allotment and reached draft determinations on the level of attainment of allotment specific multiple use objectives and the Standards and Guidelines for Rangeland Health. BLM received several public comment letters on the assessment document and the scoping for potential management actions.

On 1 July 2014, the Wells Field Office released an Environmental Assessment (EA). The EA (EA #DOI-BLM-NV-E030-2014-0010-EA) analyzed a two pasture deferred grazing alternative along with a No Action Alternative. The EA remained available for public review through 30 July 2014. No comments were received during the review period, but several were received shortly after the review period closed. These comments are summarized in the consultation and coordination section of the EA.

BLM made minor changes to the EA. These changes include minor editorial and content corrections and updates to the consultation and coordination section of the EA to address comments received in the scoping process.

Neither of the alternatives were modified and none of these changes modified the analysis contained within the EA.

The Standards and Guidelines Assessment and EA are available for review on the internet at the following address:

http://www.blm.gov/nv/st/en/fo/elko_field_office.html

Through the EA process, BLM has determined there would be no significant impact as a result of implementation of either alternative as documented in the enclosed Finding of No Significant Impact.

My Decision is to implement the management actions identified below for the Barton Allotment.

This decision may be protested and/or appealed in accordance with the provisions outlined at the end of this decision.

Grazing Permit and System

1. Issue the grazing permit for a 10-year period to the holder of the preference for grazing privileges on the Barton Allotment.
2. Construct a three strand allotment division fence to create two pastures as outlined and analyzed in the EA and in accordance with the guidelines found in the BLM fencing handbook, H-1741-1.
 - A. This fence transverses private property and will require an easement from the landowner prior to construction.
 - B. The BLM does not currently have an easement from the landowner.
3. Implement a two pasture deferred grazing system.
 - A. Until the fence is constructed use in the allotment will continue to be permitted as it is currently (5/1-11/30) with no changes to season of use or AUMs.
 - B. Until the fence is constructed the deferred grazing system will not be implemented and term F. below will not apply, all other terms and conditions associated with this permit renewal will apply.
4. The grazing permit would appear as follows:

Allotment	Pasture	Number	Kind	Begin Date	End Date	% Public Land	AUMs
Barton	--	168	Cattle	5/1	11/30	68	804
Barton	FFR*	001	Cattle	8/1	10/31	100	003

5. The following mandatory terms and conditions would appear on the permit.
 - A. Line 02 (FFR) is Federal AUMs (3) fenced within private fields.
 - B. Supplemental feeding is limited to salt, mineral and/or protein supplements in block, granular or liquid form. Supplements must be placed at least ¼ mile from live waters (springs, streams, and troughs), wet or dry meadows, and aspen stands.
 - C. Pursuant to 43 CFR 10.4(G), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

- D. The terms and conditions of your permit may be modified if additional information indicates that revision is necessary to conform to 43 CFR 4180.
- E. Grazing use will be in accordance with the grazing permit renewal decision for the Barton Allotment dated, (date will be entered upon issuance of permit).
- F. Livestock use in the allotment will be in accordance with the following restrictions:
 - 1. One pasture will be available 5/1. The other pasture will remain closed until 7/16. Beginning 7/16 both pastures are available for use.
 - 2. The turnout pasture will be rotated every year so that each pasture gets growing season rest every other year.
- G. Planned use would be outlined in a grazing application that is submitted to the BLM for final approval prior to turn out. An actual use report will be submitted within 15 days of the last day of livestock use. A billing notice will be prepared after the grazing season based on actual use in accordance with 43 CFR Section 4130.8-1(E).
- H. Numbers of livestock shown on the permit are a function of authorized season of use and permitted use. Actual livestock numbers may vary through each grazing season provided that the calculated carrying capacities for each pasture are not exceeded.
- I. Upland utilization shall not exceed 50% of current year's growth on key grass species (Idaho fescue (*Festuca idahoensis*) and bluebunch wheatgrass (*Pseudoroegneria spicata*)) as measured at key areas.
- J. Shrub utilization shall not exceed 45% of current year's leader growth (combined use by livestock and big game).
- K. Should these objective levels be exceeded in any pasture of the allotment, future grazing applications may be adjusted as warranted based on the degree of use, period of use, and duration of use relative to past use and future plans for grazing use, and the effects of the utilization on rangeland health.

Authority

Authority for the actions contained in this proposed decision is found in 43 CFR §4100.0-8, 4110.2-2, 4110.3, 4120.2, 4120.3-1, 4130.2 (a), (b), (d), and (e), 4130.3, 4130.3-1, 4130.3-2, 4130.3-3, 4130.8-1(e), 4160.1, 4160.2, 4160.3, 4160.4, 4180.1, and 4180.2.

PROVISIONS FOR PROTEST, APPEAL AND PETITION FOR STAY

PROTEST

In accordance with 43 CFR §4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under §4160.1 of this title, in person or in writing to the Bureau of Land Management, Bryan K. Fuell, Wells Field Office Manager (authorized officer), 3900 E. Idaho Street, Elko, Nevada, 89801 within 15 days after receipt of this decision. The

protest, if filed, must clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR §4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his/her review of the protest shall serve his/her final decision on the protestant and the interested public.

In accordance with 43 CFR §4160.3 (a), at the conclusion of the 15 day protest period and in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR §4160.3 (c) & (f), a period of 30 days following receipt of the Final Decision or 30 days after the date the Proposed Decision becomes final is provided for filing an appeal and petition for stay of the decision pending final determination on appeal.

APPEAL AND PETITION FOR STAY

In accordance with 43 CFR §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge and may also petition for a stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer, see Protest above. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Office of the Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor.

In accordance with 43 CFR §4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR §4.471(c)):

- (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.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

/s/ Bryan K. Fuell 08/07/2014

Bryan K. Fuell, Manager
Wells Field Office

cc:

Us Senator Dean Heller
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Nevada State Clearing House
Dept Of Administration
901 S Stewart St, Ste 5003
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Sustainable Grazing Coalition
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Congressman Mark Amodei
Attn: Megan Brown
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Natural Resource Management
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