



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Las Vegas Field Office
4701 North Torrey Pines Dr
Las Vegas NV 89130
www.blm.gov/nv/



In Reply Refer to:
4120
(NV052.08)

CERTIFIED MAIL: 7006 0100 0000 5253 5309
RETURN RECEIPT REQUESTED

APR 2-2008

Cliven D. Bundy
7175 Gold Butte Road
Bunkerville NV 89007

NOTICE OF CANCELLATION

Dear Mr. Bundy:

This letter is a Notice of Cancellation of your Range Improvement Permit and Cooperative Agreements.

Background

The Bureau of Land Management (BLM), Las Vegas Field Office issued you a Final Decision on February 17, 1994 that cancelled your ephemeral grazing lease for the Bunkerville Allotment. The Decision was neither protested nor appealed.

Notice of Cancellation of Range Improvement Permits and Cooperative Agreements

Section 4 Range Improvement Permits

Your Section 4 range improvement permit is hereby cancelled and you are given notice that you have 180 days from the receipt of this Notice of Cancellation to remove all materials and clean up all debris placed on Public lands from the following Section 4 range improvement:

<u>Project Name</u>	<u>Project Number</u>
Red Springs Drift Fence, (a.k.a., Red Springs Division Fence)	575160

Remove the all wire, fence posts, h-braces, anchors, gates and associated hardware and debris associated with the Red Springs Drift (Division) Fence; no surface disturbance is permitted. Permit for project 575160 is cancelled.

Failure to remove the materials from the above section 4 range improvement within 180 days from the receipt of this notice is a prohibitive act under 43 CFR 4140.1 (a)(4) and (5). Therefore, Cliven Bundy will be considered in trespass. If the materials are not removed, the trespass may result in the BLM removing the materials, rehabilitating the site and the BLM may charge Cliven Bundy for the costs of removal and rehabilitation under 43 CFR 2808.11(a)(3).

Cooperative Agreements

The following projects are the property of the United States of America. According to the cooperative agreement for these projects, Cliven Bundy is no longer responsible for their maintenance and shall not attempt to remove any materials from these projects under the Cooperative Agreements, which are now cancelled. The Cooperative Agreements state in stipulation 5 (a) "Title to the said improvements in place, together with all labor and materials furnished by either party and used in construction and maintenance thereof, shall be in the United States of America."

<u>Project Name</u>	<u>Project Number</u>
Nickle Creek Truck Trail	570185
South Well (Trough)	570182
White Rock Spring	570223
Jump Spring Development	570180
Black Rock Spring	570221
Sheep Trough Water Development	570176
Key West Seasonal Use Fence	570749
Culinary Pipeline	N5-4-4291
Darling Pipeline	N5-4-4290
Sheep Trough Pipeline	N5-4-4289

Authority

The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) under Subpart 4120-Grazing Management, which states in pertinent parts:

- 2808.11(a)(3) "Rehabilitation and restoring any damaged lands or resources. If you do not rehabilitate and restore the lands and resources within the time set by BLM in the notice, you will be liable for the costs the United States incurs in rehabilitating and restoring the lands and resources."
- 4120.3-6(b) "The authorized officer may require permittees or lessees to remove range improvements which they own on the Public lands if these improvements are no longer helping to achieve land use plan or allotment goals and objectives or if they fail to meet the criteria under 4120.3-4 of this title.
- 4120.3-6(d) "Permittees and lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measure necessitated by the removal.
- 4140.1(a)(4) "Grazing permittees or lessees performing the following prohibitive acts may be subject to civil penalties under 4170.1": "Failing to comply with the terms, conditions, and stipulations of cooperative range improvement agreements or range improvement permits."
- 4140.1(a)(5) "Refusing to install, maintain, modify, or remove range improvements when so directed by the authorized officer."

Appeals

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the Board), in writing to Patrick Putnam, Assistant Field Manager, Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas NV 89130. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within 30 days after the date of service. The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by subpart 4.412(b), and any arguments the appellant wished to make. Form 1842-1 (attached) provides additional information regarding filing an appeal.

No extension of time will be granted for filing the notice of appeal. If a notice of appeal is filed after the grace period provided in subpart 4.401(a), the notice of appeal will not be considered and the officer from whose decision the appeal is taken will close the case. If the notice of appeal is filed during the grace period provided in subpart 4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the Board will dismiss the appeal.

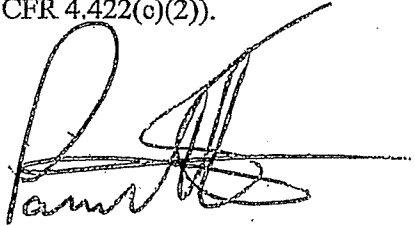
The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within 30 days of receipt of this decision you have the right to file a petition for a stay of the decision together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above. Should you wish to file a petition 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.

43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).



Patrick Putnam
Assistant Field Manager

Enclosures: Form 1842-1
Copies of Range Improvement Permit and Cooperative Agreements

Cc:
Donald & Connie Whitney
Harold & Annita Wittwer
The Nature Conservancy
Lewis Wallenmeyer
Meghan Wersley
Mandy McNitt
Glen Anderson
Scott Florence
M. Joe Tague
Leon Sprouse
Robert Lewis
Kent Turner
Keith Brose
Ray Klein

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- | | | |
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| 1. NOTICE OF APPEAL | A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). | |
| 2. WHERE TO FILE NOTICE OF APPEAL | U.S. Dept. of the Interior
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas NV 89130 | And
U.S. Dept. of the Interior
Office of Hearings & Appeals
Interior Board of Land Appeals
801 N. Quincy St., MS 300-QC
Arlington, VA 22203 |
| WITH COPY TO, SOLICITOR | U.S. Dept. of the Interior
Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890 | |
| 3. STATEMENT OF REASONS | Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413). | |
| WITH COPY TO | U.S. Dept. of the Interior
Office of the Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890 | And
U.S. Dept. of the Interior
Bureau of Land Management
4701 North Torrey Pines Drive
Las Vegas NV 89130 |
| 4. ADVERSE PARTIES | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. | |
| 5. PROOF OF SERVICE | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). | |
| 6. REQUEST FOR STAY | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. | |
- Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal 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.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office --- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)