



United States  
Department of  
Agriculture

Forest  
Service

Humboldt-Toiyabe  
National Forest

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File Code: 1570-1/2230  
Appeals 03-0417-07,09  
Date: May 18, 2004

W. Alan Schroeder  
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P.O. Box 267  
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Dear Mr. Schroeder:

I have reviewed the appeal record of the July 14, 2003 appeal and August 20, 2003 supplement you filed on behalf of Buck Creek Ranch, Inc.; Three Creek Ranch Company; Brackett Livestock, Inc.; Noy Elbert Brackett III and Paula A. Brackett; Simplot Livestock Company; TM Ranch Company; M&L Investment Co.; and Petan Company of Nevada, Inc. The appeal and supplement concern the decisions made by District Rangers of the Jarbidge and Mountain City Ranger Districts that modified term grazing permits for utilization standards on riparian vegetation.

In a September 2, 2003 letter I designated the appeal and supplement as appeals 03-0417-07 and 03-0417-09, and indicated the appeal processes for these two appeals would be consolidated. As these two appeals involve common issues of fact, pursuant to 36 CFR 251.95 (b), I will be issuing one appeal decision, which will pertain to both appeals.

Based on my review, I affirm in part Rangers Dallas' and VanBruggen's decisions to modify the Appellants' term grazing permits. I affirm all aspects of the decisions, with the exception of the following. I remand, as noted in my rationale statement, portions of the decisions, which assigned specific stream categories. My rationale is enclosed.

As provided by 36 CFR 251.87(c)(2), the Appellants have a right to appeal my decision to the Regional Forester. The Notice of Appeal for this second level of review must be filed with the Regional Forester, 324 25<sup>th</sup> Street, Ogden, UT 84401, within 15 days of this decision.

Sincerely,

/s/ Robert L. Vaught  
ROBERT L. VAUGHT  
Forest Supervisor

ENCLOSURE

cc: Priscilla McLain, Diana Schmidt, Dan Dallas



## **APPEALS: 03-0417-07, 09**

### **Process Information**

On July 14, 2003, a Notice of Appeal and Request for Stay from the District Rangers' (Jarbidge and Mountain City) decisions dated May 30, 2003, and others that are undated was filed pursuant to 36 CFR 251, Subpart C. The District Rangers' decisions modified the Appellants term grazing permits for utilization standards on riparian vegetation. The Appellants (Buck Creek Ranch, Inc., Three Creek Ranch Company, Brackett Livestock, Inc., Noy Elbert Brackett III and Paula A. Brackett, Simplot Livestock Company, TM Ranch Company, M&L Investment Co., and Petan Company of Nevada, Inc.) have designated W. Alan Schroeder as their representative in all aspects of this appeal. This appeal was designated 03-0417-07.

On August 20, 2003, a Supplement to the July 14, 2003 Notice of Appeal was filed pursuant to 36 CFR 251, Subpart C. This Supplement appeals the Mountain City District Ranger's decisions dated August 1, 2003, for the same reasons as stated in the July 14, 2003 appeal. The August 1, 2003 decisions further modified the term grazing permits for utilization standards on riparian vegetation. The Appellants are Simplot Livestock Company, TM Ranch Company, M&L Investment Co., and Petan Company of Nevada, Inc. This Supplement was considered a new appeal and was designated 03-0417-09. As the Supplement involved information related to decisions already part of appeal 03-0417-07, for clarity purposes it was decided to incorporate all appealed decisions made by the Mountain City District Ranger into this new appeal. The Jarbidge District Ranger appealed decisions remained under the 03-0417-07 designation.

The Deciding Officers prepared a Responsive Statement to appeal 03-0417-07, and submitted a copy to myself on August 22, 2003. A copy was provided to the Appellants on November 26, 2003. A written reply to the Responsive Statement was received on March 22, 2004. An Oral Presentation was made before me on April 14, 2004. I notified the Appellant in a letter dated May 4, 2004 that the appeal record closed as of the end of the Oral Presentation.

I reviewed the Appeal and Supplement, Responsive Statement of the Deciding Officers, Appellants' Reply Statement, and the Oral Presentation information. I considered the entire record in formulating my decision.

### **Appeal Issues and Responses**

#### **Issue 1: The District Rangers violate the 1991 decisions.**

**Point A:** Appellants hold that the 1991 decisions state that changes to utilization levels and values from those established in 1991 require a site-specific NEPA document and an AMP consistent with the Forest Plan be developed. They state the 2003 decisions were made without NEPA or AMP development.

**Response:** The record (Exhibit C, Appellants' Reply Statement) displays the exact wording of the 1991 District Ranger decision. The wording of importance to this appeal point is "These standards and guidelines will be used to administer the grazing on this allotment until such time as site specific National Environmental Policy Act (NEPA) document and AMP consistent with the LRMP is developed". The key is that the LRMP standards and guidelines associated with Amendment II, not the specific utilization levels and values referred to in the 1991 decision letter, will be used until site specific NEPA is completed. When it comes to referring to the need to complete site specific NEPA, the 1991 decisions focus on the standards and guidelines as described in the LRMP, not the specific utilization levels applied at that time.

Sufficient NEPA analysis has already been completed for Amendment II as described in the record (Exhibit 4, Responsive Statement). The U.S. District Court determined the original and supplemental environmental impact statements for the Humboldt Forest Plan and Amendment II were adequate to support the imposition of forest-wide maximum forage utilization restrictions, which were later included in the grazing permits. The Court further stated that it would be redundant to repeat the environmental analysis process for the modification of permits when the same maximum guidelines are being imposed.

In the case of the 2003 decisions, the values used to determine the categories, as well as the maximum forage utilization standards that correspond to each category, were consistent with Amendment II. If changes had been made to the maximum utilization standards themselves for a specific category, then a new NEPA document would be required. However, this is not the case and the maximum utilization standards applied in the 2003 decisions are consistent with Amendment II.

I conclude that in making their 2003 decisions the District Rangers did not need to complete an additional site-specific NEPA document, and did not violate the 1991 decisions.

**Point B:** The Appellants further stated that the 2003 decisions violated Amendment II standards and guidelines in relying on the mere presence of a listed or sensitive species to modify a stream category classification, instead of evaluating resource conditions of fish production and site potential.

**Response:** Amendment II (Exhibit 3, Responsive Statement) lists three factors to be used in stratifying riparian areas into one of the five management categories. One of these factors is "existing and potential fisheries, recreation and wildlife resource values". An appropriate use of this factor is to consider the presence of listed species or redband trout when assigning stream categories, as was done in the 2003 decisions.

The Appellants reference to fish production in relation to site potential in Amendment II is found in the section that refers to desired/acceptable resource conditions. The description of fish production related to potential is part of the condition description that Amendment II establishes as desired for each of the categories. Thus fish production and

site potential are not intended to be factors in assigning riparian areas into one of the five categories, but are part of the description of the desired result of management.

The following stream riparian areas were changed due to the presence of bull trout which was listed as a threatened species in 1999 and to correct redband trout streams that were previously not categorized as Riparian Management Category II areas. These areas are identified on Exhibit “O”, Response Statement.

<u>Allotment</u>	<u>Stream</u>	<u>Species</u>	<u>Category</u>
Dave Creek C&H	Dave Cr	bull trout	I
Caudle Creek C&H	Flat Cr	redband trout	II
Caudle Creek C&H	Caudle Cr	redband trout	II
Black Springs C&H	Canyon Cr	redband trout	II
Buck Creek C&H	Deer Cr	bull trout	I
Buck Creek C&H	Corral Cr	redband trout	II
Pole Creek C&H	Jim Bob Cr	redband trout	II
Pole Creek	Upper Robinson Cr	redband trout	II
Pixley Creek C&H	Dip Cr	redband trout	II
Yankee Bill C&H	Clover Cr	redband trout	II
Yankee Bill C&H	Corral Cr	redband trout	II
Yankee Bill C&H	Walker Cr	redband trout	II
Yankee Bill C&H	Lower Ditch Cr	redband trout	II
Cat Creek C&H	Cottonwood Cr	redband trout	II
Cat Creek C&H	Salmon Cr	redband trout	II
Cat Creek C&H	Hicks Cr	redband trout	II
Miller Creek C&H	Rain Cr	redband trout	II
Miller Creek C&H	Browns Cr	redband trout	II
Miller Creek C&H	Miller Cr	redband trout	II
Miller Creek C&H	Slaughterhouse Cr	redband trout	II
Miller Creek C&H	WF Slaughterhouse Cr	redband trout	II
Whiterock C&H	Breakneck Cr	redband trout	II
Whiterock C&H	Fawn Cr	redband trout	II
Whiterock C&H	Mill Cr	redband trout	II
Whiterock C&H	McCall Cr	redband trout	II

I conclude that the District Rangers correctly applied Amendment II protocols, specifically in basing stream category classification on the presence of listed species or redband trout, in making their 2003 decisions.

**Issue 2: The District Rangers violate the CCC process, AMP process and decision-making process.**

**Point A:** That the decisions were made without consultation, coordination, and cooperation with the Appellants which resulted in eight listed specific errors noted in the

Reply, creek specific clarifications and corrections noted in Appellants' Reply Statement pages 19-31, and items noted in Barr's Oral Presentation notes.

**Response:** The 2003 decisions involved changes that were discussed at permittee meetings as stated in the letter accompanying the permit modifications (Exhibit 7, Responsive Statement). The letter also explained the reason for the updated assignment of categories, that being the federal listing of fish species such as bull trout and Lahontan Cutthroat trout, and the presence of redband trout (a native salmonid). The record (Exhibit 4, Responsive Statement) additionally provides the following: as stated in the Court's decision in *Bell v. USDA* '... the imposition of maximum forage utilization values were incorporated directly into the Forest Plan, there was nothing to negotiate. The amendment presupposes application of the maximum values to the entire Humboldt Forest. "Consultation," in this instance amounted to "notice".'

I conclude that the necessary consultation, coordination, and cooperation with the permittees were conducted in making the 2003 decision.

As to the specific errors the Appellants claim were made in categorizing the riparian areas, in reviewing these claims I determined whether updating riparian categories within specific allotments was appropriate and if the application was done appropriately. As part of my review I considered the Nevada Department of Wildlife's GAWS information, Appellants' Reply Statement (and exhibits), the District Rangers' Responsive Statement (and exhibits), and Amendment II of the Humboldt National Forest Plan.

To avoid repetition, where possible I have grouped the Appellants claims in making my response.

Group 1: Several areas were not categorized in 1988 on Exhibit "9" (Response Statement). Exhibit "O", (Appellants' Reply Statement) now includes those areas and was created in 2003 with the assistance of the Nevada Department of Wildlife using the latest information regarding the distribution of bull trout and redband trout.

<u>Allotment</u>	<u>Stream</u>	<u>Species</u>	<u>Category</u>
Dave Creek C&H	Dave Cr	bull trout	I
Caudle Creek C&H	E. F. Flat Cr	redband trout	II
Buck Creek C&H	Corral Cr	redband trout	II

I conclude that in making the 2003 decision the District Ranger correctly applied Amendment II protocols to riparian areas occupied by bull trout and redband trout in the above streams.

Group 2: The following streams have different Riparian Management Categories along stream reaches due to the known distribution of redband within those streams. These areas are identified on Exhibit "O".

<u>Allotment</u>	<u>Stream</u>	<u>Species</u>	<u>Category</u>
Pixley Creek C&H	Dip Cr	redband trout	II
Yankee Bill C&H	Merritt Cr	redband trout	II
Yankee Bill C&H	Ditch Cr	redband trout	II
Cat Creek C&H	Hicks Cr	redband trout	II
Miller Creek C&H	Miller Cr	redband trout	II
Miller Creek C&H	WF Slaughterhouse Cr	redband trout	II

I conclude that in making their 2003 decisions the District Rangers correctly applied Riparian Management Categories to riparian areas occupied by redband trout in the above streams. In riparian areas that are not occupied by redband trout, I am directing the District Ranger to apply the 1988 stream categorization values on those stream segments.

Group 3: Riparian Management Categories were highlighted across private lands in Exhibits “O”, “P”, “Q” for the following streams.

<u>Allotment</u>	<u>Stream</u>
Caudle Creek C&H	Sheep Cr
Pole Creek C&H	Sheep Cr
Yankee Bill C&H	Sagehen Cr
Yankee Bill C&H	Ditch Cr
Yankee Bill C&H	Lower Ditch Cr
Cat Creek C&H	Cat Creek
Cat Creek C&H	Pole Creek

I conclude that in making their 2003 decisions the District Rangers correctly applied Riparian Management Categories on National Forest System Lands. However, I direct the District Rangers to reexamine the parts of their decisions in term grazing permits that applied riparian management categorization and utilization requirements to private lands.

Group 4: Some of the Appellants’ specific statements concerning the following riparian areas did not fit into the above three groups. My decisions on these specific concerns are noted in the following discussions, with instructions to the District Rangers in those instances where their decisions need to be reexamined.

Dave Creek C&H

*Jack Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category to Jack Creek from the northern boundary of the Dave Creek allotment to approximately halfway through Section 11 as shown on Exhibit “O”.

I am directing the District Ranger to reexamine the Riparian Management Category in place for Jack Creek upstream from halfway through Section 11.

*Jenny Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category to Jenny Creek from the confluence of Jack Creek to ¼ mile upstream on Jenny Creek as shown on Exhibit “O”.

I am directing the District Ranger to reexamine the Riparian Management Category in place for Jenny Creek upstream from ¼ mile from the confluence of Jack Creek.

*East Fork Jarbidge River*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category to the East Fork Jarbidge River on the Dave Creek C&H. The western banks of the East Fork Jarbidge River are within the Dave Creek C&H.

I am directing the District Ranger to examine the possibility of adjusting the eastern allotment boundary.

Caudle Creek C&H

*Caudle Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category to Caudle Creek on the Caudle Creek C&H. Exhibit “O” correctly highlights the presence of redband trout from the northern boundary of the Caudle Creek allotment to the southern boundary of section 33, along the mainstem of Caudle Creek.

Buck Creek C&H

*Deer Creek*

I conclude that riparian areas along portions of Deer Creek were not updated correctly. I am directing the District Ranger to reexamine the Riparian Management Category in place for Deer Creek.

*Buck Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category to the mainstem and west fork of Buck Creek as shown on Exhibit “O”.

## Pole Creek C&H

### *Sheep Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category to Sheep Creek on the Pole Creek C&H. Exhibit "O" highlights the presence of redband trout upstream from private property in section 31 (T47N, R11E) into section 6 (T46N, R11E).

### *Jim Bob Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category upstream from the confluence of Robinson Creek to the western boundary line of section 2 as shown on Exhibit "O".

I am directing the District Ranger to reexamine the Riparian Management Category in place for Jim Bob Creek upstream from the western line of section 2.

### *Upper Robinson*

I conclude that Robinson Creek is not within the Pole Creek C&H from the Jim Bob Creek confluence upstream to the eastern boundary of Section 15 (T46N, R59E).

I am directing the District Ranger to remove the Riparian Management Category in place within the Pole Creek C&H for the portion of Robinson Creek described above.

## Pixley Creek Allotment

### *S. Fork Pixley Creek and California Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category on the South Fork California Creek and in the mainstem of Pixley Creek as shown on Exhibit "P", Appellants' Reply Statement. Our records do not show the presence of a South Fork of Pixley Creek.

### *Negro George Draw*

I am directing the District Ranger to examine whether riparian categorization applies to Negro George Draw. If no riparian areas are present the riparian categorization should be removed and appropriate non-riparian utilization levels assigned as directed by Amendment II.

### *Bull Spring Creek and Haystack Creek*

I am directing the District Ranger to remove any reference to Bull Spring Creek and Haystack Creek within the Pixley Creek C&H.

Whiterock C&H

*Silver Creek, Breakneck Creek, and Fawn Creek*

I conclude that in making the 2003 decision the District Ranger correctly applied the Riparian Management Category to Breakneck Creek on National Forest System lands in Section 3 (T44N, R52E), Section 35 (T45N, R52E) and Fawn Creek (except as described below).

I am directing the District Ranger to apply the 1988 stream categorization values for riparian areas on National Forest System lands on Silver Creek and riparian areas on Fawn Creek within Section 13 (T45N, R52E).

*Wall Creek*

I am directing the District Ranger to apply the 1988 stream categorization values for riparian areas on National Forest System lands on Wall Creek.

*Mitchell Creek Winters Creek, and Indian Creek*

I conclude that riparian areas on National Forest System lands on Mitchell Creek, Winters Creek, and Indian Creek were not updated correctly. I am directing the District Ranger to examine the resource values for riparian areas on National Forest System lands on Mitchell Creek, Winters Creek, and Indian Creek, and apply the appropriate Riparian Management Category in accordance to Amendment II protocols.

*Mill Creek*

I conclude that in making their 2003 decisions the District Rangers correctly applied the Riparian Management Category to portions of Mill Creek in the Whiterock C&H Allotment, Section 9 (T45N, R53E).

I am directing the District Ranger to examine the resource values for riparian areas on National Forest System lands on Mill Creek within Section 8, (T45N, R53E) and upstream.

*McCall Creek*

I conclude that in making their 2003 decisions the District Rangers correctly applied the Riparian Management Category to McCall Creek. The NDOW considers McCall Creek to be occupied by native redband trout. Redband trout are considered to have originated from ancestral anadromous rainbow.

### *Storff Creek*

I conclude that in making their 2003 decisions the District Ranger correctly applied the Riparian Management Category to riparian areas along Storff Creek. Riparian areas along Storff Creek are classified as Riparian Management Category IV based on recreation resource, stable streambeds and banks, and wildlife habitat.

**Point B:** The Appellants further claim that the decisions were made without development/revision of AMPs as required by the Forest Plan.

**Response:** While the Forest Plan does require the development of AMPs for each allotment, and that they be updated to reflect Forest standards and guidelines, in the case of the 2003 decisions there is no need to make adjustments to the existing AMPs. The Humboldt National Forest Land and Resource Management Plan, as amended, requires Allotment Management Plans be updated according to Regional Guidelines. The Washington Office directives, which are the current Regional direction, require refinement of AMPs based upon a site-specific project-level NEPA decision. As discussed in Appeal Issue 1 concerning the need for NEPA, the 2003 decisions did not change the standards and guidelines associated with Amendment II to the LRMP. The maximum utilization standards remained consistent with Amendment II, and thus there is no need to revise AMPs.

I conclude that the 2003 decisions do not require development of a revised AMP.

**Point C:** That the decisions were issued without notice of appeal rights (May 30, 2003 letters) and without issuance of decision-type document (undated 2003 AOIs).

**Response:** The May 30, 2003 decisions (example - Exhibit B, Notice of Appeal) made by the Jarbidge District Ranger were issued without notice of appeal rights. However, even without notification, the affected permit holders did submit appeals which were accepted as legitimate and timely appeals. The permit modifications made by the Mountain City District Ranger were initially made using the Annual Operating Instructions. The term grazing permits (example - Exhibit A, Notice of Appeal) provide the authority for issuing instructions to the permittee in Part 2, Clause 8 (a) of the term grazing permit. The method for providing these instructions is not specified. In an effort to clarify the situation, the Mountain City District Ranger formalized the decisions initially made via the Annual Operating Instructions in letters to the permittees dated August 1, 2003. These letters included the permittees appeal rights.

I conclude that since the permittees' appeals were accepted by the Forest Service, the 2003 decisions did not deny the permittees of any of their appeal rights. I find the lack of proper notification is not cause to remand the decisions.

**Issue 3: The Forest Service provides no data to show need for a modification.**

The Appellants hold that 36 CFR 222.4 (a) (8) requires one year's notice for modifications to season of use and numbers of livestock allowed. They also cite 16 U.S.C. which requires the Forest Service to utilize information from other Federal, State, and private organizations in making land use decisions. They hold no information was shared with the Appellants.

**Response:** The record (Exhibit 15, Responsive Statement) contains the wording of 36 CFR 222.4(a) (8), which is as follows:

The Chief, Forest Service is authorized to (8) Modify the seasons of use, numbers, kind, and class of livestock allowed or the allotment to be used under the permit, because of resource condition, or permittee request. One year's notice will be given of such modification, except in cases of emergency.

The 2003 decisions made no change to the season of use or livestock numbers (Responsive Statement). The only changes were made to categories of specific riparian areas and the corresponding maximum utilization standards. This does not automatically convert to a reduction in numbers or season of use. Most of the changes in riparian area utilization were only 10 percentage points, and with improved livestock management this would not necessarily require a change in numbers or season of use. Commonly accepted and applied management practices to improve livestock distribution on the landscape have been shown to extend the time before grazing use exceeds utilization thresholds while season of use and livestock numbers are held constant. The key variable is the time the livestock spend within a given pasture or grazing unit, not the season of use or livestock numbers.

As to the claim that no information was shared with the Appellants, I refer to the record (Exhibit 7, Responsive Statement) where it indicates that the permit modifications were discussed at the 2003 annual spring permittee meetings, as stated in the letters accompanying the permit modifications.

I conclude information about the permit modifications was appropriately shared with the Appellants, and that conditions of the modifications did not warrant one year's notice as provided in 36 CFR 222.4(a) (8).

**Issue 4: Forest Service violated the National Environmental Policy Act in not completing any NEPA documentation as a condition precedent to the modification.**

The Appellants hold there are environmental impacts related to the decisions, and they have economic and non-economic interests that were adversely affected by the decisions. They hold a NEPA document needs to be prepared to evaluate these impacts.

**Response:** The record (Exhibits 2 and 4, Responsive Statement) demonstrates that the appropriate NEPA documentation was conducted for the Forest Plan and Amendment II. The Forest Plan EIS and Amendment II Supplemental EIS analyzed the effects on the environment, the public, and the permittees. The District Court held in *Bell v. USDA* that “Because Amendment II contained specific maximum guidelines, and the related SEIS assessed the environmental impact for the forest-wide implementation of those guidelines, it would be redundant to repeat the process for the modification of permits when the same maximum guidelines are being imposed”. Since the 2003 decisions were consistent with the maximum standards in Amendment II, the analysis relative to Amendment II is sufficient NEPA documentation.

I conclude that the 2003 decisions did not violate the National Environmental Policy Act.

**Issue 5: Forest Service’s factfinding procedures are contrary to Constitution right, power or privilege, or are otherwise inadequate.**

**Point A.** The Appellants’ hold they were deprived of the procedural due process clause of the 5<sup>th</sup> Amendment.

**Response:** The record (Exhibit 4, Responsive Statement) speaks to a similar claim addressed in the *Bell v. USDA* decision. The Court noted that “... it is doubtful that the grazing permits themselves create any kind of entitlement which amounts to a property interest for the purpose of due process analysis”. The Court further stated that even if there was “... a property interest for purposes of due process, a review of the record indicates that Plaintiffs were afforded adequate predeprivation process”. This occurred during the Forest Plan EIS process, as well as the Supplemental EIS process for Amendment II.

I conclude that the procedures used in making the 2003 decisions were adequate and not contrary to Constitutional right.

**Point B.** The Appellants’ also hold they were deprived of Judicial Review to the extent permitted by law.

**Response:** The record (Exhibit 4, Responsive Statement; Exhibit A, Notice of Appeal) confirm that the term grazing permits themselves, as well as several statutes, allow for permit modification at any time to bring the permits in line with a change in the Forest Plan. The Court in *Bell v. USDA* found that in the case of these permit modifications; the only “cause” necessitating the change was to incorporate standards and guidelines from the Forest Plan. The Court stated that, “This is hardly analogous to the typical situations where government entitlements have been found, and where the fundamental concepts of fairness dictate a hearing”. While a hearing is not warranted, the Appellants were afforded the opportunity of presenting their evidence and arguments in opposition to the 2003 decisions in an Oral Presentation held April 14, 2004.

Additionally, in *Bell v. USDA*, the Court explained that establishing maximum utilization standards as described in Amendment II of the Humboldt Forest Land and Resource Management Plan was not arbitrary and capricious, and was based on accepted riparian management information and understanding (Managing Grazing of Riparian Areas in the Intermountain Region, U.S.F.S. General Technology Report Int. 263, May 1989; and Nevada Rangeland Monitoring Handbook, Nevada Range Studies Task Group 1<sup>st</sup> Ed. 1984).

I conclude that the Appellants were not deprived of their rights to procedural due process or Judicial Review.