



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
702-623-1500

In Reply Refer To:
(NV-022.10)
4110.2-3

January 26, 1998

CERTIFIED MAIL NO. Z374096086
RETURN RECEIPT REQUESTED

NOTICE OF ASSISTANT DISTRICT MANAGER'S PROPOSED DECISION

Richard and Nancy Rosasco
P.O. Box 157
Golconda, NV 89414

Dear Mr. and Mrs. Rosasco:

I have reviewed your request for transfer of grazing privileges of the Pumpnickel and Rock Creek Allotments. I have determined that you are a qualified applicant and that the allotments are designated as available for livestock grazing through the Sonoma-Gerlach Management Framework Plan.

I have further determined that the Terms and Conditions which you offered are appropriate to achieve the management and resource condition objectives for the allotments as outlined in the respective Final Multiple Use Decisions. These Terms and Conditions will also ensure conformance with 43 CFR 4180 (Fundamentals of Rangeland Health).

My proposed decision is to offer you the attached Grazing Permit.

Rationale:

The Code of Federal Regulations require (43 CFR 4130.2(a)) that "Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans."

43 CFR 4130.3 states that, "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and

resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part"

Authority: The authority of this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

- 4100.0-8 **Land use plans** - The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b).
- 4130.2 (a) **Grazing Permits or Leases** - Grazing permits or leases shall be issued to qualified applicants to authorize use on the public lands and other lands under the administration of the Bureau of Land Management that are designated as available for livestock grazing through land use plans. Permits or leases shall specify the types and levels of use authorized, including livestock grazing, suspended use, and conservation use. These grazing permits or leases shall also specify terms and conditions pursuant to 4130.3, 4130.3-1, and 4130.3-2.
- 4130.2 (b) **Grazing Permits or Leases**- The authorized officer shall consult, cooperate and coordinate with affected permittees or lessees, the State having lands or responsible for managing resources within the area, and the interested publics prior to the issuance or renewal of grazing permits and leases.
- 4130.3 **Terms and Conditions**- Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with provisions of subpart 4180 of this part.
- 4130.3-1(a) **Mandatory terms and conditions** - The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment.
- 4130.3-2 **Other terms and conditions** - The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands.
- 4130.3-3 **Modifications of permits or leases** - Following consultation, cooperation, and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active grazing use or related management practices are not meeting the land use plan, allotment management objectives, or is not in conformance with the provisions of subpart 4180. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.
- 4160.1 (a) **Proposed Decisions** - Proposed decisions shall be served on any affected applicant, permittee, or lessee and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modification relating to applications, permits, and agreements (including range improvement permits) or leases, by certified mail or personal deliver. Copies of proposed decisions shall also be sent certified to the interested publics.
- 4160.2 **Protests** - Any applicant, permittee, lessee, or other affected interests may protest the proposed decisions under Sec. 4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.

Protests:

Any applicant, permittee, lessee, or other affected interests may protest the proposed decisions under Sec. 43 CFR 4160.1, in person or in writing to:

Colin P. Christensen
Assistant District Manager, Renewable Resources
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

within 15 days after receipt of such decision. The protest, if file, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become my final decision.

Appeals:

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal and petition for stay of the decision pending final determination on appeal under 43 CFR 4160.4, §4.21, and §4.470. The appeal and petition for stay must be filed in writing within 30 days following receipt of the final decision.

The appeal shall state the reason(s), clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion 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.

As noted above, the petition for stay must be filed in the office of the authorized officer.

If you have any questions, please contact Rich Adams at (702) 623-1500.

Sincerely yours,

Bob Hopper, Acting

for Colin P. Christensen, Assistant District Manager
Winnemucca District

cc:

Certified -

Roger Johnson Z374096087
WHOA Z374096088
NRDC Z374096089
Ann Kersten Z374096090
Arnold Ginsberg Z374096091
Intermountain Range Consultants Z374096092
Nevada Division of Wildlife - Fallon Z374096093
Craig Downer Z374096094
Trout Unlimited - Sagebrush Chapter Z374096095
John Phillips Z374096096
Agri Beef Company Z374096097
Commission for the Preservation of Wild Horses Z374096116
Desert Bighorn Council Z374096117
Nevada Woolgrowers Assoc. Z374096118

Regular Mail -

NDOW - Winnemucca
Resource Concepts, Inc.
U.S. Fish and Wildlife Service
Lone Tree Mine
Humboldt County Commissioners

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

: STATE NV
: OFFICE 020
: OPERATOR NUMBER 272021
: PREFERENCE CODE 03
: DATE PRINTED 01/26/98
: TERM 03/01/1998 TO 02/28/2007

ROSASCO, RICHARD &
NANCY

P.O. BOX 157
GOLCONDA, NV 89414

BUREAU OF LAND MANAGEMENT
WINNEMUCCA DISTRICT
5100 E WINN. BLVD.
WINNEMUCCA, NV 89445

THIS GRAZING PERMIT IS OFFERED TO YOU BASED ON YOUR RECOGNIZED GRAZING PREFERENCE ON THE PUBLIC LANDS AND/OR OTHER LANDS ADMINISTERED BY THE BLM. YOU ARE AUTHORIZED TO MAKE GRAZING USE TO THE EXTENT OF YOUR ACTIVE GRAZING PREFERENCE AS SHOWN BELOW UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS INCORPORATED HEREIN AND YOUR PAYMENT OF GRAZING FEES.

ALLOT PASTURE	LIVESTOCK NUMBER KIND	GRAZING PERIOD BEGIN END	TYPE %PL USE	AUM'S
00101 ROCK CREEK	515 CATTLE	04/01 10/31	66 ACTIVE	2391
00116 PUMPERNICKLE	212 CATTLE	03/01 05/08	97 ACTIVE	466
	212 CATTLE	11/11 02/28	97 ACTIVE	744

TERMS AND CONDITIONS:

ONLY CATTLE BEARING BLM ISSUED EARTAGS WILL BE ALLOWED TO GRAZE IN THE PUMPERNICKLE AND ROCK CREEK ALLOTMENTS. THE COLOR WILL BE SPECIFIED ON THE BILL STIPULATIONS. ANNUAL ACUTAL USE REPTORTS ARE DUE 15 DAYS AFTER COMPLETING YOUR GRAZING USE. NO SALT AND/OR MINERAL BLOCKS SHALL BE PLACED WITHIN ONE QUARTER MILE OF SPRINGS, MEADOWS, STREAMS, RIPARIAN HABITATS, OR ASPEN STANDS. IN THE EVENT THAT TOPOGRAPHY AND/OR AVAILABLE WATER SOURCES DO NOT ALLOW FOR THE 1/4 MILE REQUIREMENT, COORDINATION WILL BE NECESSARY WITH THE BLM PERSONNES PRIOR TO PLACEMENT OF SALT AND/OR MINERAL BLOCKS. LIVESTOCK USE WILL BE MADE IN ACCORDANCE WITH THE ROCK CREEK AND PUMPERNICKEL FINAL MULTIPLE USE DECISIONS DATED 9/5/97 & 4/30/96 RESPECTIVELY.

THE TERMS AND CONDITIONS OF THIS PERMIT MUST BE IN CONFORMANCE WITH STANDARDS AND GUIDELINES FOR THE SIERRA FRONT-NORTHWESTERN GREAT BASIN RESOURCE ADVISORY COUNCIL, APPROVED BY THE SECRETARY OF THE INTERIOR ON FEBRUARY 12, 1997. PURSUANT TO 43 CFR 10.4(G), THE HOLDER OF THIS PERMIT MUST NOTIFY THE AUTHORIZED OFFICER, BY TELEPHONE, WITH WRITTEN CONFIRMATION, IMMEDIATELY UPON THE DISCOVERY OF HUMAN REMAINS,

OPERATOR NUMBER: 272021

FUNERARY OBJECT, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). FURTHER PURSUANT TO 43 CFR 10.4(C) & (D), YOU MUST STOP FROM YOUR ACTIVITIES FOR 30 DAYS OR UNTIL NOTIFIED TO PROCEED BY THE AUTHORIZED OFFICER.

SALT AND/OR MINERAL BLOCKS SHALL NOT BE PLACED WITHIN ONE QUARTER (1/4) MILE OF SPRINGS, STREAMS, MEADOWS, RIPARIAN HABITATS, OR ASPEN STANDS.

THE PERMITTEE IS REQUIRED TO PERFORM NORMAL MAINTENANCE ON THE RANGE IMPROVEMENTS AS PER THEIR SIGNED COOPERATIVE AGREEMENTS/SECTION 4 PERMITS PRIOR TO TURNING OUT IN A PASTURE OR USE AREA SCHEDULED FOR LIVESTOCK USE.

THE PERMITTEE'S CERTIFIED ACTUAL USE REPORT, BY PASTURE/USE AREA, IS DUE 15 DAYS AFTER THE END OF THE AUTHORIZED GRAZING PERIOD.

IF PAYMENT IS NOT RECEIVED WITHIN 15 DAYS OF THE DUE DATE, YOU WILL BE CHARGED A LATE FEE ASSESSMENT OF \$25.00 OR 10% OF THE GRAZING BILL WHICHEVER IS GREATER, NOT TO EXCEED \$250.00. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS OF THE DUE DATE MAY RESULT IN TRESPASS ACTION.

YOU MAY PAY YOUR BILL BY VISA OR MASTERCARD,
FOR MORE INFORMATION, CALL US AT 702-623-1500.

ALLOTMENT SUMMARY (AUM'S)

ALLOT	P R E F E R E N C E		
	ACTIVE	SUSP	TOTAL
00101 ROCK CREEK	2192	200	2392
00116 PUMPFERNICKLE	1209	113	1322

THIS PERMIT : 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND TO MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:
SIGNATURE OF PERMITTEE: _____ DATE _____

AREA MANAGER: _____ DATE _____