



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Winnemucca District Office
705 East 4th Street
Winnemucca, Nevada 89445

In Reply Refer To:
(NV-026.12)
4160

January 31, 1996

CERTIFIED MAIL NO.P383 122 801
RETURN RECEIPT REQUESTED

NOTICE OF AREA MANAGER'S PROPOSED DECISION

Mr. Stan Ceresola
PO Box 98
Wadsworth, NV 89442

Dear Mr. Ceresola:

I have received your signed "Acceptance of Terms & Conditions, and Request For Grazing Permit" form for the Rodeo Creek allotment. I have determined that you are a qualified applicant and that the above listed allotment is designated as available for livestock grazing through the Sonoma Gerlach Management Framework Plan.

I have further determined that the Terms and Conditions which you have accepted are appropriate to achieve the management and resource condition objectives for this allotment and that they will 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 "The authorized officer shall manage livestock grazing on public lands under the principles 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 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) "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 "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 the provisions of subpart 4180 of this part."

4130.3-1(a) "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 "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..."

4160.1(a) "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 delivery. Copies of proposed decisions

shall also be sent certified to the interested publics."

4160.2 "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 Bud C. Cribley, Sonoma Gerlach Area Manager, 705 E. Fourth Street, Winnemucca, NV, 89445, within 15 days after receipt of such decision. The protest, if filed, 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 the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

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 the office of the authorized officer, noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final.


The appeal shall state the reasons, 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.

Sincerely yours,



Bud C. Cribley, Area Manager
Sonoma Gerlach Resource Area

Certified CC

Richard Heap, NDOW
Commision for the Preservation of Wild Horses
Dawn Lappin, WHOA
David Armstrong, PCA
Chuck Crisman, Trout Unlimited
John Torvick
Washoe County Commissioners

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE NV
OFFICE 026
OPERATOR NUMBER 272035
PREFERENCE CODE 03
DATE PRINTED 01/26/96
TERM 03/01/1996 TO 02/28/2006

CERESOLA, STAN

BUREAU OF LAND MANAGEMENT
SONOMA-GERLACH R.A.
705 EAST 4TH STREET
WINNEMUCCA, NV 89445

P.O. BOX 98
WADSWORTH, NV 89442

GRAZING PERMIT IS OFFERED TO YOU BASED ON YOUR RECOGNIZED GRAZING
PERMITS 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
PERMITS AS SHOWN BELOW UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS
STIPULATED HEREIN AND YOUR PAYMENT OF GRAZING FEES.

RANGE	LIVESTOCK		GRAZING PERIOD		TYPE		ACRES
	NUMBER	KIND	BEGIN	END	%PL	USE	
RODEO CREEK	485	CATTLE	03/01	02/28	100	ACTIVE	5820

TERMS AND CONDITIONS:

ACCURATE USE WILL BE SUBMITTED WITHIN 15 DAYS OF LIVESTOCK BEING
REMOVED. ALL LIVESTOCK WILL BE EAR-TAGGED WITH BLM ISSUED EAR-TAGS
AS SPECIFIED IN YOUR YEARLY AUTHORIZATIONS. THE PERMITTEE IS
REQUIRED TO PERFORM NORMAL MAINTENANCE ON THE RANGE IMPROVEMENT
PROJECTS WHICH HAVE BEEN ASSIGNED. NO SALT AND/OR MINERAL BLOCKS
SHALL BE PLACED WITHIN ONE QUARTER (1/4) MILE OF WETLAND RIPARIAN
HABITAT, ASPEN STANDS, BITTERBRUSH AREAS, AND STREAMS WITHOUT FIRST
CONSULTING BLM PERSONNEL.



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

February 8, 1996

Mr. Bud Cribley
Sonoma Gerlach Resource Area
Bureau of Land Management
705 East Fourth Street
Winnemucca, Nevada 89445

Subject: Protest - Rodeo Creek - 272035

Dear Mr. Cribley:

Thank you for the opportunity to review and comment on 14 proposed manager's decisions affecting over 2 million acres of public lands for the next 10 years. Due to the regulatory limitation of only 14 days for administrative protest, we will attempt to address each document.

We protest the issuance of a 10 year permit for the Rodeo Creek Allotment. Due to the lack of proper management, range conditions jeopardized 90 percent of the Fox Range Wild Horse Herd in 1993. Issuing long term permit for this allotment is inappropriate at this time.

A multiple use decision has been scheduled for this allotment for at least seven years. In lack of any resource activity plan for the allotment, the proposed decision must serve as an equivalent of proper planning. Therefore, specific terms and conditions are required to meet resource objectives for the allotment. The proposed decision provides no term or condition to protect resources.

Since substantial rangeland monitoring data have been collected, since the land use plan, an environmental assessment is required to comply with federal regulations and the National Environmental Policy Act.

Mr. Bud Cribley
February 8, 1996
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We would appreciate your attention concerning these protest points.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb". The signature is written in dark ink and is positioned above the typed name.

CATHERINE BARCOMB
Executive Director