



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701
775-885-6000
<http://www.nv.blm.gov>



In Reply Refer To:
4160/4770
(NV-032)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 13 2000

Dear Interested Public:

The spring and summer portion of the cattle range of the Mountain/LaPlata Allotment has been affected by the Stillwater Fire Complex (J742 and J697). A small portion, approximately 7% of the entire allotment burned. A map of this burn is available at the Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701.

The Carson City Field Office has seeded to aerial seed acres in the Mountain/Well LaPlata Allotment.

GRAZING DECISION **MOUNTAIN WELL/LAPLATA ALLOTMENT**

In order to allow seeded areas to establish and the surviving native vegetation time to attain growth and vigor, my decision relating to livestock grazing within the spring range of the Mountain Well/LaPlata Allotment is as follows:

- A. In accordance with 43 CFR §4110.3-3(b), the following areas are closed to grazing for the next two growing seasons or until rehabilitation objectives have been met. Upon determination that the rehabilitation objectives have been met, authorized grazing use may resume.

The legal descriptions of the areas closed include the following sections or portions thereof:

<u>Fire</u>	<u>Township</u>	<u>Range</u>	<u>Sections</u>
Stillwater Complex	20 North	33 ½ East	NW¼ NW¼ 25
	20 North	33 East	SW¼ 18, NW¼ 19 S ½ 24, N ½, NE¼ SW¼ , NW¼ SE¼ 25, SW¼ NE¼ 26,
	20 North	32 East	SE¼ SW¼, S½ SE¼ 11, SW¼, 12, W ½ SE¼ 13, 14, SE¼ 22, 23-25, NW¼ SE¼ 26, 27, S ½ 28, 33, NW¼, E ½ SW¼ 34
	19 North	32 East	W ½ SE¼ 3, 4, E ½ NW¼ 5, NE¼ SW¼ 9, 10, W ½ 11, 14, N ½ 15, NE¼ 16

The above legal descriptions include approximately 20 percent of the Spring Pasture.

RATIONALE

The extent of the burn in the spring use area has rendered the above listed portion unusable for the next two growing seasons. Adequate time is needed for the burned and rehabilitated areas to reestablish a vigorous native perennial vegetative community. The portion of the summer pasture that burned has no affect on the cattle use. The area is extremely rugged and receives little or no cattle use. This will move toward meeting the standards for rangeland health identified in the Standards and Guidelines as established by the Sierra Front – Northwestern Great Basin Resource Advisory Council. use.

Establishing temporary and/or permanent water haul sites and the use of salt or supplements are effective means to control livestock distribution. The primary source of water in this area are wells and natural water occurring in West Lee Canyon. By shutting off the wells, placing of the livestock in other portions of the allotment and intensified herding the livestock will be kept out of the area. The permittee has voluntarily placed approximately 4000 AUMs in temporary non use for the next two growing seasons. The reductions in numbers allows for considerable flexibility in the permittees operation.

Flexibility is an integral part of any management activity. It is crucial that adaptive management techniques are available to managers to confront the potential problem of exotic plant species, particularly cheatgrass, becoming the dominant vegetation.

It is felt that drift onto the burned areas will be a persistent problem. It is, however, expected that some drift may occur. If it does, the permittee will take immediate action to remove the livestock. If a recurrent problem develops, appropriate BLM actions will be taken, ranging from closing additional portions of the spring pasture to total closure of the pasture

AUTHORITY

§4110.3-2(a) states that "Permitted use may be suspended in whole or in part on a temporary basis due to drought, fire, or other natural causes, or to facilitate installation, maintenance, or modification of range improvements."

§4110.3-3(b) states that "When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittee or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR §4.21."

§4130.3 states that "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve 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."

§4140.1(b)(1)(i) states that "Persons performing the following prohibited acts related to rangelands shall be subject to civil and criminal penalties set forth at §§4170.1 and 4170.2: Allowing livestock or other privately owned or controlled animals to graze on or be driven across these lands (iii) In an area or at a time different from that authorized."

§4160.3(f) states that "Notwithstanding the provisions of Sec. §4.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision and shall remain in effect pending the decision on appeal unless a stay is granted by the Office of hearings and Appeals when the authorized officer has made a determination in accordance with Sec. §4110.3-3(b) or Sec. §4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provided in Sec. §4.21(a)(1) of this title.

GUIDANCE

Guidance is found within the Standards and Guidelines, approved by the Secretary of the Interior on February 12, 1997, for the Sierra Front – Northwestern Great Basin Resource Advisory Council, as follows:

Guideline #4 states that "After a range fire or other natural catastrophic event, vegetation should be returned to the native species as rapidly as possible, to afford forage and habitat for native animals. If a nurse crop is needed to protect the land from erosion, all native nurse crops should be used first."

Guideline #5 states that "Treated areas will be rested from livestock grazing for two growing seasons or until seedlings are established or the vegetative response has achieved objective levels. Wild horse and burros removed from Herd Management Areas will be restored after rehabilitation objectives have been met."

ADDITIONAL GUIDANCE

Emergency Fire Rehabilitation Plan – Stillwater Complex, approved on 9/3/99

It is my decision that the closure be placed in full force and effect as provided under 43 CFR §4160.3(f). 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 of the appeal pursuant to 43 CFR §4160.4 and §4.470. Appeals and petitions for a stay of the Decision shall be filed within 30 days after receipt of the Final Decision in person or in writing to the Assistant Manager, Renewable Resources, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

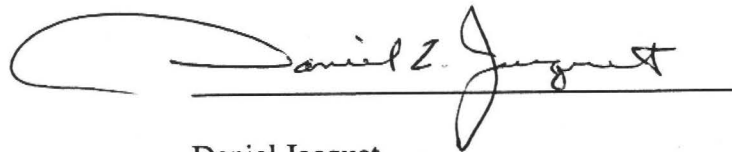
Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards under 43 CFR §4.21:

- (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.
- (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.

3/13/00

Date

A handwritten signature in black ink, reading "Daniel Z. Jacquet", written over a horizontal line. The signature is cursive and includes a large, sweeping initial "D".

Daniel Jacquet
Assistant Manager, Renewable Resources
Carson City Field Office