



**United States Department of the Interior
Bureau of Land Management**



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

WVF 8/30/01

*FLANIGAN
Allotment*

*Spanish flat
Biggest sage grouse strutting
mob - rehab A 25 pld + 16m A's
light brush stuff
2 year late*

In Reply Refer To:
4130
(NV-0320)
273045

Certified Mail
Return Receipt Requested

Fish Springs Ranch
c/o Vidler Water Company
3264 Goni Road, Suite 153
Carson City, NV 89706

AUG 30 2001

NOTICE OF FINAL DECISION

The purpose of this Decision is two-fold; (1) open the currently closed burn area to both domestic livestock and wild horses (2) close a separate area burned in July of 2001. There is very little overlap of the 2 fires.

(1) Opening the Closed Areas

General

Between August 23-28, 1999, the Fish Fire Complex (J787) burned 47,603 acres in the Virginia Mountains. The burn affected the entire summer or Cold Springs pasture of the Flanigan Allotment. These areas were closed to all grazing beginning in January of 2000 and have not been grazed for the past two growing seasons.

Rationale

Based on monitoring conducted over the last year it was determined that the vegetation in the old burn has made sufficient recovery to again handle all grazing with no ill affects. Very little, if any, mortality occurred on perennial grass plants in the burn. All remaining plants are very vigorous, abundant and productive, this despite a current drought and the readings taking place in the driest year on record. Much of the shrub and tree component was lost, however, snowberry and other preferred wildlife species are also abundant and vigorous. A small aspen patch in Cottonwood Canyon burned

and is resprouting which requires protection to allow the young saplings time to achieve a height that will assure their survival. A majority of the aspen patch is located on private lands.

Two Rangeland Health Evaluation transects were completed which indicated the following:

Site 1

T25N R18E S13 NW

Soil/Site Stability	Stable
Biotic Integrity	Stable
Watershed Function	Stable

Site 2

Soil/Site Stability	Stable
Biotic Integrity	Stable
Watershed Function	Stable

In addition to these transects percent cover was determined using line intercept transects. The basis for determining recovery is the burn area should achieve 50% of the recommended cover for an unburned site. Overall cover for the burn was determined to be 23.51%. Cover for an unburned site is 12.5 %.

Under the current grazing system and established AML vegetative frequency and health had been increasing prior to the burn, with the burn having no effect on this progress. In fact the burn enhanced both forage for domestic livestock and wildlife habitat.

Therefore, based on the above my Final Decision is as follows:

Domestic Livestock

- (1) The entire closed area in the Flanigan Allotment will be opened to grazing no later than September 1, 2001.
- (2) Grazing use by domestic livestock will again conform to the Allotment Management Plan in place prior to the burn with the only modification being the closure of the new area recently burned and a corresponding voluntary reduction of 310 AUMs.
- (3) The following schedule includes the 250 AUM reduction as a result of the Fish fire of 2001 and applies only to the Cold Springs pasture, the only area affected

by the 1999 fire.

<u>Pasture</u>	<u>Number</u>	<u>Grazing Period</u>	<u>% Federal</u>	<u>AUMs</u>
Cold Springs	479	6/16 - 9/30	91	1504

- (4) In addition, the permittee has agreed to allow the fencing of a small aspen patch located on private lands in the Cold Springs Pasture. The area encompasses less than 1% (0.0003) of the total pasture.

Wild Horses

- (1) The entire HMA will again be opened to grazing by both wild horses and domestic livestock.
- (2) At the present time approximately 30 wild horses have established themselves in the HMA. Our policy has been to remove any horses that had entered the old burn, however, from this point forward no removal will be necessary until the AML is met or exceeded.
- (3) Should wild horses establish themselves outside of the HMA they will be removed.

2) Closing the Area Burned in 2001

General

The Flanigan Allotment's cattle grazing operation has been affected by a wildland fire, that occurred in July of 2001. A portion of the summer and spring pastures were burned. Maps of the burn are available at the Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701.

The entire area will be either aerial or drill seeded.

Rationale

Adequate time is needed for the burned and rehabilitated areas to reestablish a vigorous native perennial vegetative community. 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.

Establishing temporary and/or permanent water haul sites and the use of salt and/or supplements are effective means to control livestock distribution. Although partially burned in the fire, an existing fence appears adequate to prevent livestock movement

onto the burned areas. Should this fail a more intense herding program can further limit the potential of animals entering the burned areas.

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.

The permittee has taken a voluntarily temporary reduction of 310 AUMs which is equivalent to the forage lost due to the burn. Of the 310 AUMs 250 will be reduced from the Cold Springs Pasture with the balance of 60 AUMs coming from the Honey Lake Pasture.

It is not 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 action will be taken, ranging from portions of the other pastures being closed to total closure of the allotment. This could result in further reductions in the herd size or additional time on private lands.

Should wild horses establish themselves within the burn they will be removed. The distance from the HMA makes this unlikely.

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 Flanigan 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 grazing seasons or until rehabilitation objectives have been met. Upon determination that the objectives have been met authorized grazing use may resume.

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

<u>Pasture</u>	<u>Township</u>	<u>Range</u>	<u>Sections</u>
Cold Springs	25 North	18 East	3 SW1/4, S1/2 SE 1/4 4 E1/2 SE1/4, NW1/4 SE 1/4 5 W1/2 SE1/4, SE1/4SW1/4 8 All, 9 S 1/2 14 NW 1/4 SW 1/4,

Honey Lake
Pasture

26 North

18 East

15 S ½, 16 All,
17 N ½

3 NE 1/4,
4 NE 1/4
34 E ½

The above legal descriptions include approximately 2760 acres in the Cold Springs pasture and 640 acres in the Honey Lake pasture.

The Flanigan HMA is not affected.

- B. In accordance with 4130.3-2 where fencing is ineffective intensified herding will be necessary to more fully control livestock.
- C. In accordance with 4130.3-2(c) authorization is granted to use salt and/or other supplements, per the Terms and Conditions of the grazing permit.
- D. In accordance with 4130.3-2, the treatments and schedules will be monitored to determine the effectiveness of management application. Any action(s) and/or modifications may be taken that are deemed appropriate to limit the spread and establishment of exotic and/or plant species.
- E. In accordance with §4130.3-2, in the event that livestock drift into the areas closed to it may be necessary to close the summer and spring pastures entirely to livestock grazing.

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 continue 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 (s) 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 conditions 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.”

§4130.3-2 states that “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for the proper range management or assist in the orderly administration of public rangelands. These may include but are not limited to: (c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands; and (f) Provision for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants, provide for the improvement of riparian areas to achieve proper functioning condition or for the protection of other rangeland resources and values consistent with objectives of applicable land use plans, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth;”

4140.1(b)(1)(i) states “persons performing the following prohibited acts related to rangelands shall be subject to civil penalties set forth at 4170.1 and 4170.2: Allowing livestock or other privately owned or controlled animals to graze on or to 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.

§4700.0-2 states that “The objective of these regulations are management of wild horses and burros as an integral part of the natural system of the public lands under the principle of multiple use; protection of wild horses and burros from unauthorized capture, branding, harassment, or death; and humane care and treatment of wild horses and burros.”

§4700.0-6(a) states that “Wild horses and burros shall be managed as self-sustaining

populations of healthy animals in balance with other uses and the productive capacity of their habitat.”

§4700.0-6(b) states “Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans.”

§4710.1 states that “Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title.

§4710.3-1 states that “Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in Sec. §4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas.”

§4710.4 states that “Management of wild horses and burros shall be undertaken with the objective of limiting the animal’s distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.”

§4720.1 states in part that “Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.....”

§4770.3(c) states that “Notwithstanding the provisions of paragraph (a) of Sec. §4.21 of this title, the authorized officer may provide that decisions to remove wild horses and burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

GUIDANCE

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

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 to 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.”

Guideline #12 states that “Departure from traditional grazing management practices may be authorized by BLM to achieve Standards on a case by case experimental basis for rangeland restoration and rehabilitation.”

Guideline #18 says to, “Implement aggressive action to reduce the invasion of exotic plant species into native plant communities. Control the spread of noxious weeds through various methods such as, grazing management, fire management and other vegetative management practices.”

Guideline #21 says to “Implement grazing management practices that sustain biological diversity across the landscape.”

APPEAL

Livestock

1. Opening of the Allotment

It is my decision that the opening of the allotment 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.

Wild horses

It is my decision that the opening of the allotment 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. The appeal must be filed in accordance with the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals.

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.
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- (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.

2. Closing of the Allotment

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.

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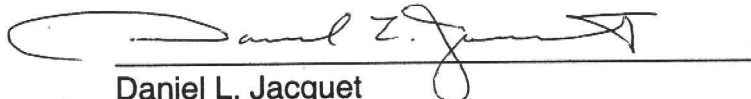
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Daniel L. Jacquet
Assistant Manager
Renewable Resources



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Rationale

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- (4) In addition, the permittee has agreed to allow the fencing of a small aspen patch located on private lands in the Cold Springs Pasture. The area encompasses less than 1% (0.0003) of the total pasture.

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- (1) The entire HMA will again be opened to grazing by both wild horses and domestic livestock.
- (2) At the present time approximately 30 wild horses have established themselves in the HMA. Our policy has been to remove any horses that had entered the old burn, however, from this point forward no removal will be necessary until the AML is met or exceeded.
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Establishing temporary and/or permanent water haul sites and the use of salt and/or supplements are effective means to control livestock distribution. Although partially burned in the fire, an existing fence appears adequate to prevent livestock movement

onto the burned areas. Should this fail a more intense herding program can further limit the potential of animals entering the burned areas.

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The permittee has taken a voluntarily temporary reduction of 310 AUMs which is equivalent to the forage lost due to the burn. Of the 310 AUMs 250 will be reduced from the Cold Springs Pasture with the balance of 60 AUMs coming from the Honey Lake Pasture.

It is not 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 action will be taken, ranging from portions of the other pastures being closed to total closure of the allotment. This could result in further reductions in the herd size or additional time on private lands.

Should wild horses establish themselves within the burn they will be removed. The distance from the HMA makes this unlikely.

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

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

<u>Pasture</u>	<u>Township</u>	<u>Range</u>	<u>Sections</u>
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Honey Lake
Pasture

26 North

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The above legal descriptions include approximately 2760 acres in the Cold Springs pasture and 640 acres in the Honey Lake pasture.

The Flanigan HMA is not affected.

- B. In accordance with 4130.3-2 where fencing is ineffective intensified herding will be necessary to more fully control livestock.
- C. In accordance with 4130.3-2(c) authorization is granted to use salt and/or other supplements, per the Terms and Conditions of the grazing permit.
- D. In accordance with 4130.3-2, the treatments and schedules will be monitored to determine the effectiveness of management application. Any action(s) and/or modifications may be taken that are deemed appropriate to limit the spread and establishment of exotic and/or plant species.
- E. In accordance with §4130.3-2, in the event that livestock drift into the areas closed to it may be necessary to close the summer and spring pastures entirely to livestock grazing.

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 continue 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 (s) 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

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§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 conditions 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.”

§4130.3-2 states that “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for the proper range management or assist in the orderly administration of public rangelands. These may include but are not limited to: (c) Authorization to use, and directions for placement of supplemental feed, including salt, for improved livestock and rangeland management on the public lands; and (f) Provision for livestock grazing temporarily to be delayed, discontinued or modified to allow for the reproduction, establishment, or restoration of vigor of plants, provide for the improvement of riparian areas to achieve proper functioning condition or for the protection of other rangeland resources and values consistent with objectives of applicable land use plans, or to prevent compaction of wet soils, such as where delay of spring turnout is required because of weather conditions or lack of plant growth;”

4140.1(b)(1)(i) states “persons performing the following prohibited acts related to rangelands shall be subject to civil penalties set forth at 4170.1 and 4170.2: Allowing livestock or other privately owned or controlled animals to graze on or to 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.

§4700.0-2 states that “The objective of these regulations are management of wild horses and burros as an integral part of the natural system of the public lands under the principle of multiple use; protection of wild horses and burros from unauthorized capture, branding, harassment, or death; and humane care and treatment of wild horses and burros.”

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§4710.1 states that “Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title.

§4710.3-1 states that “Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in Sec. §4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas.”

§4710.4 states that “Management of wild horses and burros shall be undertaken with the objective of limiting the animal’s distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.”

§4720.1 states in part that “Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.....”

§4770.3(c) states that “Notwithstanding the provisions of paragraph (a) of Sec. §4.21 of this title, the authorized officer may provide that decisions to remove wild horses and burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

GUIDANCE

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

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

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Guideline #5 states that “Treated areas will be rested from livestock grazing to 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.”

Guideline #12 states that “Departure from traditional grazing management practices may be authorized by BLM to achieve Standards on a case by case experimental basis for rangeland restoration and rehabilitation.”

Guideline #18 says to, “Implement aggressive action to reduce the invasion of exotic plant species into native plant communities. Control the spread of noxious weeds through various methods such as, grazing management, fire management and other vegetative management practices.”

Guideline #21 says to “Implement grazing management practices that sustain biological diversity across the landscape.”

APPEAL

Livestock

1. Opening of the Allotment

It is my decision that the opening of the allotment 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.

Wild horses

It is my decision that the opening of the allotment 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. The appeal must be filed in accordance with the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals.

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.

2. Closing of the Allotment

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

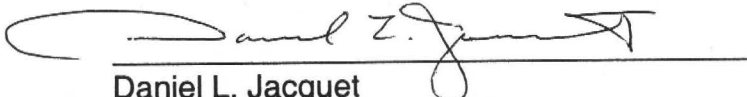
final decision is in error.

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.



Daniel L. Jacquet
Assistant Manager
Renewable Resources

Subject: Horses

Date: Mon, 10 Sep 2001 11:54:56 -0700

From: "Roy Leach" <rleach@phonewave.net>

To: "cathy ada barcomb" <mustangs@govmail.state.nv.us>

Cathy,

Hope the ponies are at school.

Carson Field Office is opening the burns on the Flanigan HMA. This is one of those where all the horses were removed and held somewhere.

It is interesting to note, they aren't letting them go because some 30 new horses have shown up. Well, OK. What happen to the horses held to be released?

Roy