



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Carson City Field Office

5665 Morgan Mill Rd.

Carson City, NV 89701

(775) 885-6000

In Reply Refer To:

4160/4770

(NV-032)

CF-2703001

Dear Interested Public:

The Antelope Mountain Allotment consists of a total of 53,755 acres of public lands in the Carson City Field Office. Current active preference is 6,362 AUM's. A variable number of cattle graze the allotment each year during the period (04/15-10/31). The permittee runs a commercial range cattle operation consisting of a cow and calf herd with replacement heifers and yearlings. The Antelope Mountain Allotment is primarily arid-land fan with rugged mountain foot hills and mountains.

The Record of Decision for the Lahontan Environmental Impact Statement and Resource Management Plan (RMP) was issued in 1987. These documents established the multiple use goals and objectives which guide management of the public lands on Antelope Mountain Allotment. The Lahontan Rangeland Program Summary (RPS) was issued in 1989, which further identified the allotment specific objectives for Antelope Mountain Allotment. The Carson City Field Office established the 2001 Consolidated Resource Management Plan which incorporates decisions from eight major field office planning documents and five amendments to these plans.

### **GRAZING DECISION ANTELOPE MOUNTAIN ALLOTMENT**

During August 2006, the August Fire burned approximately 275 acres in the Antelope Mountain grazing allotment. A closure of this area, some surrounding acreage, and additional changes in livestock management are needed in order to meet fire guidelines and provide for adequate rehabilitation of the burned area. The total closed area will be approximately 2,741 acres. The additional unburned area to be closed is necessary to serve as a buffer to the burn and to prevent drift of livestock onto the area being rehabilitated. A modified grazing rotation system to be used during the closure period is also outlined in this document. This closure will be for a minimum of two grazing seasons, or until the desired vegetative response has been achieved.

In order to implement this closure, the following will occur: (1) Portions of the following sections in Pasture 2 will be closed to livestock grazing: Sections 5 and 6, T.22 N., R. 19 E.; Sections 1 and 2, T. 22 N., R. 18 E.; and Sections 31 and 32, T. 23 N., R. 18 E.; (2) Grazing in Pasture 2 will be reduced by approximately 324 AUM's; (3) A maximum of 6,038 AUM's will be authorized each year during the closure; (4) The permittee will be responsible for ensuring that livestock stay out of the closure area; (5) The following grazing rotation will be followed during the closure period: **First Year** = Pasture 1 (6/01 – 10/31), Pasture 2 (04/15 – 7/31), Pasture 3 (7/15 – 10/31), Petersen Pasture (Rest); **Second Year** = Pasture 1 (7/15 – 10/31), Pasture 2 (6/01 – 9/16), Pasture 3 (4/15 – 8/15), Petersen Pasture (Rest); **Third Year** = Pasture 1 (4/15 – 10/ 31), Pasture 2 (7/15 – 10/31), Pasture 3 (6/01 – 10/31), Petersen Pasture (7/15 – 10/31; 70 cattle on north side, 70 cattle on south side, for a maximum of 500 AUM's in this pasture). **If closure lasts for more than three grazing seasons, the yearly schedules will be repeated from the first year.** (6) Permittee will be required to haul water to designated sites in Pastures 1-3; (7) Maximum use of any individual water development will be four weeks; (8) If the desired utilization level is reached on either grasses or shrubs in any pasture, the livestock will be moved to the next scheduled pasture or removed from the allotment; (9) In accordance with 43 CFR 4110.3-3(b), in the treatments and schedules will be monitored to determine the effectiveness of these management applications.

**It is my decision to implement the above outlined closure with the attendant changes in livestock management. This closure will be place in full force and effect as provided for under 43 CFR 4110.3-3(b)(2).**

### **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.

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 not anticipated 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(s) will take immediate action to remove the livestock. If a recurrent problem develops, appropriate BLM action will be taken, ranging from larger areas being closed to total closure of the Allotment.

### **AUTHORITY**

The following citations are contained in 43 CFR subparts 4100:

§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 permittees 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 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.”

§4130.3-2 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 proper range management or assist in the orderly administration of public rangelands. These may include but are not limited to: (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 in spring turnout is required because of weather conditions or lack of plant growth;”

§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 Standard and Guidelines, approved by the Secretary of the Interior on February 12, 1997, for the Sierra Front – Northwestern Great basin Resource.**

Guideline #4 states that “After a range fire or other natural catastrophic events, 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.”

Guideline #12 states that “Departure from traditional grazing management practices may be authorized by the Bureau of Land Management (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.”

### **ADDITIONAL GUIDANCE**

Emergency Fire Rehabilitation Plan – August Fire approved on January 31, 2007.

### **RIGHT OF APPEAL**

In accordance with 43 CFR 4.470, 4160.3(c), and 4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after the date the proposed decision becomes final or 30 days after receipt of the final decision.

In accordance with 43 CFR 4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

- (1) The relative harm to the parties if the stay is not 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.

In accordance with 43 CFR 4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted. Pursuant to 43 CFR 4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

The appeal and any petition for stay must be filed at the office of the authorized officer (Elayn Briggs, Assistant Manager, Renewable Resources, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City Nevada 89701). Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor, Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-1712, Sacramento, California 95825-1890.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division in Salt Lake City, Utah, a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR 4.472(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Elayn Briggs  
Elayn Briggs  
Assistant Manager, Renewable Resources  
Carson City Field Office

02/09/07  
Date

cc (by certified mail):

1. Western Watersheds Project (7000 0520 0021 2723 6339)  
C/O Katie Fite  
P.O. Box 2863  
Boise, ID 83701
2. D.S. Ranches, L.L.C. (7000 0520 0021 2723 6346)  
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3. Nevada Clearing House (1 copy)