

9/25/95



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Carson City District Office
1535 Hot Springs Road
Carson City, Nevada 89706-0638
PH: (702) 885-6000

IN REPLY REFER TO:
1060
(NV-03580)

Dear Interested Party:

Enclosed is the Pine Nut Mountain Wild Horse Removal Plan and Finding of No Significant Impact / Decision Record which implements the Plan. This decision is issued Full Force and Effect to allow for the timely removal of wild horses in and outside the Pine Nut Mountain HMA. Timely removal of these wild horses is necessary to prevent further over-utilization of the vegetative resource and to be in compliance with existing laws and regulations, notably; 43 CFR 4710.4 - " management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas...". The Full Force and Effect determination is in accordance with the regulation, 43 CFR 4770.3(c).

The gather will be delayed 30 days to allow for an appeal period. There will be no extension of the delay period and the gather will be conducted on or about November 13,1995.

This decision may be appealed to the Interior Board of Land Appeals in accordance with the regulations in the attached Form 1842-1.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21(b), 58 FR 4939,4942-43 (Jan. 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. Copies of the notice of appeal and petition for a stay must be submitted directly to Interior Board of Land Appeals, 4015 Wilson Boulevard, Arlington, Va 22203 at the same time the original documents are filed with this office and the Regional Solicitor.

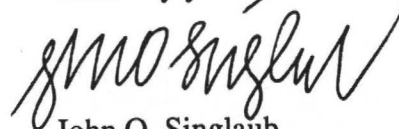
If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. A petition for a stay of a decision pending appeals shall show sufficient justification based on the following standards:

- (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.

For questions or comments, please contact Richard Jacobsen or Jim Gianola of my staff at 885-6000.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "John O. Singlaub".

John O. Singlaub
District Manager

2 Enclosures:

1. Removal Plan and FONSI/Decision Record
2. Form 1842-1

PINE NUT MOUNTAIN WILD HORSE REMOVAL PLAN

1995

I. Purpose and Authority

The proposed action is to implement removal, population control and safety measures for wild horses in the Pine Nut Mountain Herd Management Area (HMA). The overriding goal of management is to maintain the range in a thriving ecological balance, maintain the horses in a healthy state and to be in compliance with existing laws and regulations. The proposed action would remove wild horses with established home ranges outside of the HMA and excess wild horses from within the HMA. The Wild Horse and Burro Act of 1971 (Public Law 92-195) and 43 CFR 4700-4740 provide the authority for the proposed action.

II. Area of Concern

The area of concern is in and around the Pine Nut Mountain HMA. The location of the area is shown on the attached Removal Area Map.

III. Wild Horse Numbers

The most recent aerial census, conducted in June of 1995, revealed there are 455 wild horses inside the HMA and 280 outside of the HMA for a total of 735 wild horses. The Appropriate Management Level (AML) for the HMA, as determined by the Pine Nut Multiple Use Decision, is 179 head. This will be a 100% removal with the unadoptable / older horses being returned to the HMA.

IV. Methods for Removal and Safety

The methods employed during this capture operation will be herding horses with a helicopter to a trap built with portable panels. The Bureau of Land Management will contract with a private party for this operation. Bureau employees will be supervising the contractor at all times during the gathering operation. The following stipulations and procedures will be followed during the contract to ensure the welfare, safety and humane treatment of wild horses, and that wild horses are removed from proper areas. Minimum specifications are contained within the State Gather Contract (Contract Number 1422-N651-C4-3067). Should conditions warrant, the COR/PI have the authority to further modify the specifications.

A. Roundup Procedures within Contract Area

The Contracting Officer's Representative (COR) or Project Inspectors (PIs) will determine specific roundup areas and numbers of animals within general contract areas as animal concentration, terrain, physical barriers and weather conditions dictate. Upon determination of the specific roundup areas, the COR/PI will select the general location of trap sites in which to herd the animals. Animal concentration, terrain, physical barriers and weather conditions will all be considered when selecting trap sites.

B. Motorized Equipment

All motorized equipment employed in the transportation of captured animals shall be in compliance with appropriate State and Federal laws and regulations applicable to the humane transportation of animals. Minimum specifications are contained within the State Gather Contract.

The carrying compartments of vehicles used for transportation shall be at least 6 feet 6 inches in height. The floors and loading chute shall be covered with non-skid material. Animals to be loaded and transported in any vehicle shall be as directed by the COR/PI and may include limitations on numbers according to age, size, sex, temperament and animal condition. A minimum of 1.4 linear foot per adult animal and .75 linear foot per foal shall be allowed per standard eight foot wide stock trailer/truck.

The COR/PI shall consider the condition of the animals, weather conditions, types of vehicles, distance to be transported, and other factors when planning for the movement of captured animals. The COR/PI shall provide for any brand inspection or other inspection services required for the captured animals.

C. Trapping and Care

Initial capture attempts shall be accomplished by the utilization of a helicopter. Since all wild horses are to be captured, roping would be used if certain individual horses continue to elude helicopter herding operations. Under no circumstances shall animals be tied down for more than one hour. A minimum of one saddle horse shall be immediately available at the trap site to accomplish roping.

The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI who will consider terrain, physical barriers, weather, condition of the animals and other factors. The helicopter shall be used in such a manner that bands of horses will remain together. Foals shall not be left behind.

It is estimated that several trap locations will be required to accomplish the work. All trap locations and holding facilities must be approved by the COR/PI prior to construction. The contractor may also be required to change or move trap locations as determined by the

COR/PI. All traps and holding facilities not located on public lands must have prior written approval of the landowner. Proposed trap sites and holding facilities would be inventoried prior to construction in order to avoid those areas where cultural resources exist.

All traps, wings and holding facilities shall be constructed, maintained and operated to handle the animals in a safe and humane manner and be in accordance with the State Gather Contracts. When dust conditions occur within or adjacent to the trap or holding facility, the contractor shall be required to wet down the ground with water.

If the route the contractor wishes to herd horses passes through a fence, the contractor will be required to roll up the fencing material and pull up the posts to provide a gap. The standing fence on each side of the gap will be well-flagged.

Mares would be checked soon after capture to determine if they are nursing. If nursing mares are captured without foals, intensive monitoring would be conducted to identify the reason(s) foals are being abandoned and a solution would be developed and implemented. The health and well being of the captured animals are paramount and foals would not be left behind.

Alternate pens, within the holding facility shall be furnished by the contractor to separate mares with small foals, sick and injured animals, and estray animals from the other horses. Animals shall be sorted as to age, number, size, temperament, sex, and condition when in the holding facility so as to minimize injury due to fighting and trampling. As a minimum, studs will be separated from the mares and foals when the animals are held overnight.

Mares and foals would be paired up soon after capture and separated from other adult horses. Mares that are within the target age group for adoption would be shipped to Palomino Valley Wild Horse and Burro Placement Center (PVC) with their foal. Foals of older mares (mares older than the ones selected for adoption) that are old enough to wean, would be weaned and shipped to PVC. While holding animals at temporary corrals every effort would be made to pair up mares with foals. Any foals that do not pair up with a mare would be shipped to PVC.

Foals of older mares which are too young to wean would be released with their mare. In order to minimize stress to the foals, older mares and their foals would be released separately from other mares and studs. Also, mares with foals would be released in small groups to minimize the likelihood of the adult horses running off too quickly for the foals to keep up.

Unadoptable / older horses will be released from the trap site or transported to an area with adequate water, forage and space. Following the release of animals from corrals or trailers, the area surrounding the release site would be monitored to determine the success of the release prior to subsequent releases.

V. Disposition of Removed Animals

All of the adoptable wild horses will be sent to PVC to be processed for adoption. Unadoptable/older horses will be released back into the HMA at locations where there is adequate feed and water.

Impounded, privately-owned animals will be processed as outlined in the Bureau of Land Management, Nevada State Office Instruction Memoranda NV-84-116 and NV-85-416.

VI. Responsibility

The District Manager is responsible for maintaining and protecting the health and welfare of the wild horses. To ensure the contractor's compliance with the contract stipulations the COR and PIs, all from the Carson City District, will be on site. Also, the Walker Area Manager and the Carson City District Manager are very involved with guidance and input into this removal plan and with contract monitoring. The health and welfare of the animals is the overriding concern of the District Manager, Area Manager, COR and PIs.

The COR and/or PI will constantly, through observation, evaluate the contractor's ability to perform the required work in accordance with the contract stipulations. Compliance with the contract stipulations will be through issuance of written instructions to the contractor, stop work orders and default procedures should the contractor not perform work according to the stipulations.

Prior to issuance of the "Notice to Proceed" to the contractor, the COR and PIs will inspect the equipment to be used during the contract, to ensure the equipment meets or exceeds the standards contained in the contract stipulations. Prior (less than 20 days) to the start of the contract and constantly during the course of the contract, the COR and/or PIs will evaluate the conditions which may cause undue stress to the animals. The factors considered will include animal condition, prevailing temperatures, drought conditions, soil conditions, topography, animal distribution, distance animals travel to water, quantity of available water and condition of roads that animals are to be transported over. These factors will be evaluated to determine if additional constraints other than those already discussed need be initiated in order to safely capture and transport the animals (i.e., veterinarian present, or delay of capture operations).

VII. Time Frame

It is anticipated that this removal will occur during November 1995. Due to the dense concentration of pinyon and juniper trees, a complete removal of animals from areas outside of the HMA is unlikely. As populations continue to increase inside the HMA, combined with the continual movement and establishment of horses outside the HMA, additional removals will be necessary in the future. Therefore, this plan will remain in effect indefinitely or until resource conditions change substantially.

ENVIRONMENTAL ASSESSMENT
for
Pine Nut Mountain Wild Horse Removal Plan
1995

A. INTRODUCTION

Purpose

The purpose of the Pine Nut Wild Horse Removal Plan is to implement actions that would effectively manage the wild horse population to achieve a thriving natural ecological balance with other resources and users.

Relationship to Other Environmental Documents

This Environmental Assessment (EA) is tiered to the Reno Environmental Impact Statement (EIS) which analyzed the general ecological impacts of managing rangelands in the Walker Resource Area under a program including the monitoring and adjustment of wild horses and livestock. This EA is a project specific refinement of the EIS focused on the management of wild horses in the Pine Nut Mountain HMA. These documents are available for public review at the Carson City District Office.

Relationship to Statutes, Regulations, or Other Plans

The Wild Horse and Burro Act of 1971 states that the Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public land. Both the Code of Federal Regulations (4710.4) and the Wild Horse and Burro Act of 1971, state that wild horses shall be maintained within HMAs.

B. PROPOSED ACTION AND ALTERNATIVES

Proposed Action

The proposed action is to remove excess wild horses from inside and outside the Pine Nut Mountain HMA with the use of a helicopter and other motorized equipment. The wild horses would be herded by a helicopter into traps constructed of portable steel panels. The Bureau of Land Management will contract with a private party for the removal operation. The contractor would be supervised at all times by at least two Bureau employees. The adoptable animals would be placed into the Bureau's Adopt-a-Horse Program. The excess unadoptable / older animals would be released back into the HMA at locations where there is

adequate feed and water. Following the release, the area surrounding the release site would be monitored to determine the success of the release prior to subsequent releases.

Alternatives

Alternative No. 1

Conduct the removal operation through the use of water traps. Traps consisting of portable panels would be constructed around water sources and the horses captured when coming to water.

No Action Alternative

The no action alternative is to not implement the removal plan.

Alternative Considered But Not Analyzed

Capture of wild horses from horseback was not analyzed due to the time, difficulty and low success rate involved in removing a large number of animals using this method.

C. Affected Environment

The affected environment is described in the Reno EIS.

D. Environmental Impacts

1. Proposed Action

a. Impacts on Vegetation

The reduction of the wild horse population to a level that the vegetation within the HMA can support without adverse effects would place the area in a thriving natural ecological balance. This would benefit not only the vegetative resource but all the users. Riparian areas would improve in condition with the reduced impact of wild horse grazing and trampling.

Small localized areas (less than 1/2 acre) within the vicinity of traps and holding facilities would receive trampling and possible loss of vegetation. Overall, the vegetative resource would improve due to the reduction in grazing pressure.

b. Impacts on Wild Horses

Unavoidable impacts in the form of injuries to the horses may occur as a result of the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Potential injuries and fatalities can be limited through strict enforcement of contract specifications for safety and humane treatment of animals. BLM representatives would be monitoring the contractor's activities at all times during removal to ensure compliance with specifications and humane treatment of animals.

Leaving the older horses, six years and older, in the population would preserve the genotypes that have proved most adapted to this HMA. Those wild horses returned to the HMA will have to adjust to disrupted band structure but new bands will be formed and normal social patterns will again be established.

Some stress to the horses would be associated with the helicopter herding operations, however, after adoption, the horses would become accustomed to captivity and most would receive proper care. Removing only younger horses will result in readily adoptable horses.

c. Impacts on Wildlife

Removing wild horses would have only a positive impact on wildlife. The removal of wild horses would improve vegetative condition, thus increasing the amount of forage and cover available for wildlife. The reduced numbers of wild horses would also mean more water and space would be available for wildlife.

d. Other Impacts

The proposed action would not adversely impact air quality, areas of critical environmental concern, cultural resources, recreation, farmlands, floodplains, Native American religious concerns, threatened and endangered species, wastes, water quality, wetlands and riparian zones, wild and scenic rivers or wilderness.

No impacts would occur to cultural resources as proposed trap sites and holding facilities, would be surveyed prior to construction to avoid disturbance of these areas.

2. Alternative No. 1 - Water Trapping

This method of capture is initially the least injurious and stressful to the wild horses, however, once captured, the level of impact is identical to those discussed in the proposed action. Water trapping is most successful when small numbers of horses are to be removed from isolated areas served by 2 or less water sources neither or which is the case in this situation. When the above described scenario occurs, this would be the preferred form of removal.

3. Alternative No. 2 - No Action

The "no action" alternative would result in no wild horses being removed. The animals would not undergo stress, injuries, nor fatalities related to capture, handling and transportation.

The population would continue to expand adversely impacting the vegetation and wildlife. This would lead to the loss of wildlife through starvation or dispersal. The physical condition of the wild horses ultimately would deteriorate.

Habitat improvement would not be realized with this alternative. The frequency of key forage species would decline further. The animals would continue to search for food and further degrade their habitat, thereby reducing the carrying capacity of the area which would eventually lead to starvation. Accelerated erosion would continue and basal cover would continue to decline from excess utilization. Riparian areas would continue to be over-utilized further deteriorating the wildlife habitat. Further deterioration of the range would occur and the area would not be in a state of thriving natural ecological balance between wild horses, wildlife and domestic livestock.

E. Coordination and Consultation

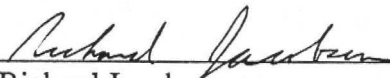
This EA has been sent to the following persons, groups and government agencies in order to solicit comments:

- American Mustang and Burro Association, P.O. Box 788, Lincoln, CA 95648
- Animal Protection Institute, P.O. Box 22505, Sacramento, CA 95822
- Borda Brothers Co., 909 W. Musser St., Carson City, NV 89703
- Buckeye Ranch, P.O. Box 127, Minden, NV 89423
- Bureau of Indian Affairs, Western Nevada Agency, 1677 Hot Springs Road, Carson City, NV 89706
- Carson City District Grazing Advisory Board, 13333 Stillwater Road, Fallon, NV 89406
- Craig C. Downer, P.O. Box 456, Minden, NV 89423
- D. A. Anderson Estate, 4900 Carson River Road, Carson City, NV 89701
- Edie Wilson, 917A Village Drive East, North Brunswick, NJ 08902
- F.M. Fulstone, Inc., P.O. Box 34, Smith, NV 89430
- Joe Ricci Estate, P.O. Box 133, Dayton, NV 89403
- Kathy McCovey, 435 Alaska, Reno, NV 89506
- L.I.F.E. Foundation, 6455 N. Quail, Inyokern, CA 93527
- Lyon County Public Lands Commission, Dave Haight, Chairman, Box 744, Yerington, NV 89447
- Natural Resources Defense Council, 1350 New York Avenue, N. W., Washinton, DC 20005
- Nevada Cattlemen's Association, 1111 Water St., Elko, NV 89801

- Nevada Commission for the Preservation of Wild Horses, 255 West Moana, Suite 207A, Reno, NV 89509
- Nevada Humane Society, % Mr. Mark McGuire, P.O. box KIND, Sparks, NV 89431
- Nevada Division of Wildlife, Regional Manager, Region I, 380 West B St., Fallon, NV 89406
- Nevada State Clearinghouse Coordinator, Division of Administration, Capitol Complex, Carson City, NV 89710
- Nevada Wildlife Federation, 1122 Greenbrae Drive, Sparks, NV 89431
- Nevada Woolgrowers Association, 339 West Rockwood Dr., Elko, NV 89801
- Paul Clifford, Museum of Natural History, One Wade Oval, Univ. Circle, Cleveland, OH 44106
- Rebecca Kunow, 3548 Shawnee, Carson City, NV 89701
- Resource Concepts, Inc., 340 N. Minnesota Street, Carson City, NV 89703
- Richard Huntsberger, , 160 Hudson-Aurora Rd., Smith, NV 89430
- Roberta Royle, 25 Lewers Creek Rd., Carson City, NV 89702
- Rolling "A" Ranch, Box 140, Dayton, NV 89403
- Rutgers University, S.I. Newhouse Center for Law and Justice, 15 Washington St., Newark, NJ 07102
- Sario Livestock Company, 1462 Douglas Avenue, Gardnerville, NV 89410
- Sierra Club, Toiyabe Chapter, P.O. Box 8096, Reno, NV 89507
- Steven Fulstone, 30 Rivers Road, Smith, NV 89430
- The Honorable Richard Bryan, United States Senate, 300 Booth St., Federal Bldg. Room 2014, Reno, NV 89509
- The Honorable Harry M. Reid, United States Senate, 244 E. Liberty St. #102, Reno, NV 89501
- The Honorable Barbara Vucanovich, U.S. House of Representatives, 300 Booth St., Federal Bldg. Room 3038, Reno, NV 89509
- The Wildlife Society, Nevada Chapter, 134 West Maple, Elko, NV 89801
- U.S. Fish and Wildlife Service, ATTN: Bob Hallock, 4600 Kietzke, Bldg. C., Reno, NV 89502
- Washoe Tribe, Brian Wallace, Chairman, 919 Hwy 395 S., Gardnerville, NV 89410
- Wild Horse Organized Assistance, P.O. Box 555, Reno, NV 89504


F. Signatures

Prepared by:

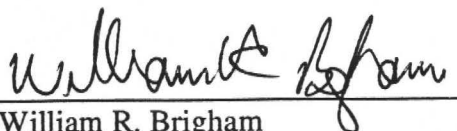

 Richard Jacobsen
 Wild Horse & Burro Specialist
 Walker Resource Area

9-26-95
 Date


Reviewed by:


FOR Jim Gianola
Wild Horse & Burro Specialist
District Resources Staff

2 Oct 95
Date



William R. Brigham
Wildlife Biologist
District Resources Staff

27 Sept 95
Date


David Loomis
Environmental Planner
District Resources Staff


9-29-95
Date

Recommend Approval:


John Matthiessen
Area Manager
Walker Resource Area

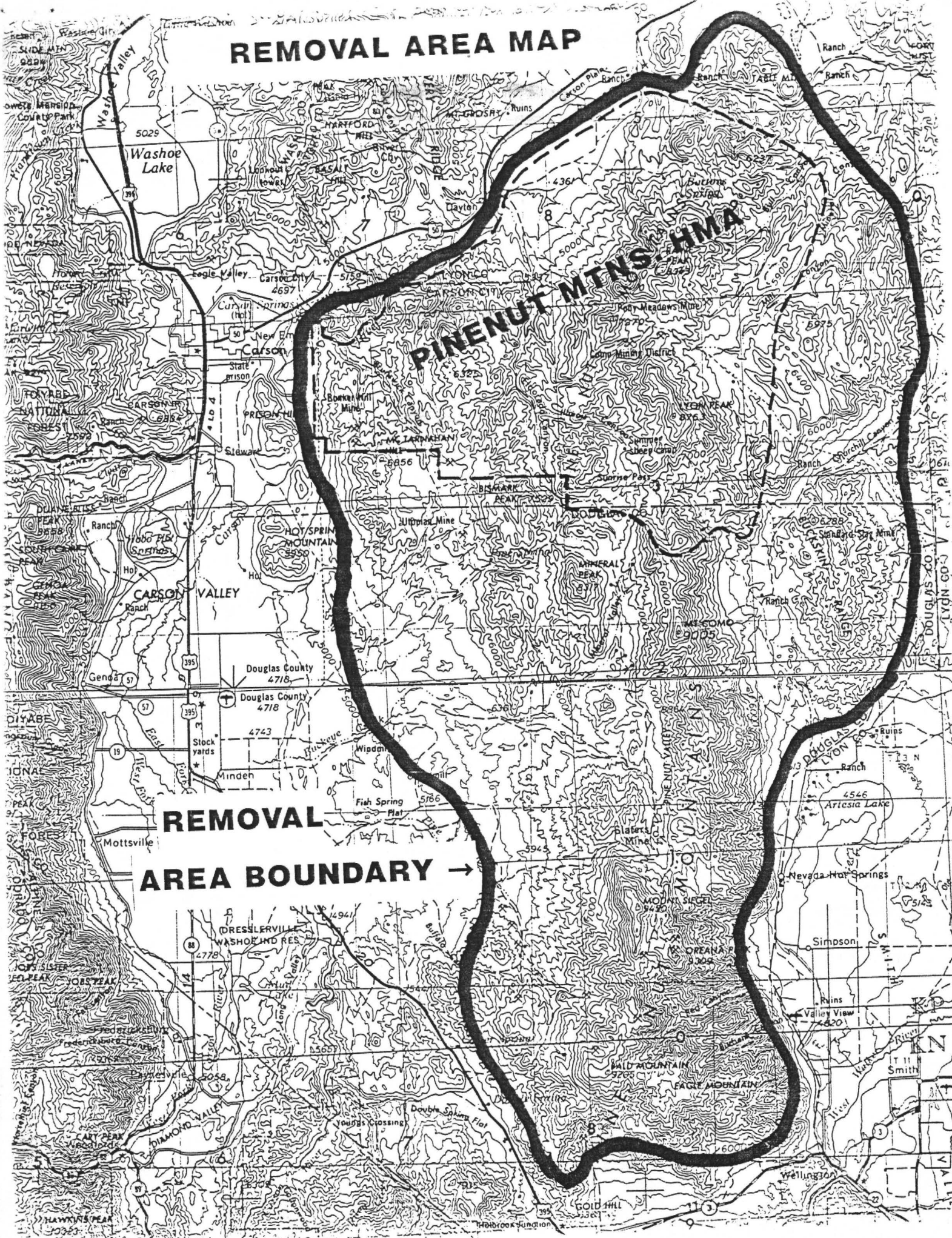
OCT. 02 1995
Date

Approved:


John O. Signlaub
District Manager
Carson City District

10-2-95
Date

REMOVAL AREA MAP



PINENUT MTS HMA

REMOVAL AREA BOUNDARY →

VI. FINDING OF NO SIGNIFICANT IMPACT AND DECISION REPORT

Decision: Implement the Pine Nut Mountain Wild Horse Removal Plan. The major action in the subject plan is removing wild horses from inside and outside the Pine Nut Mountain HMA. The plan will guide the Bureau's actions throughout the course of the gather.

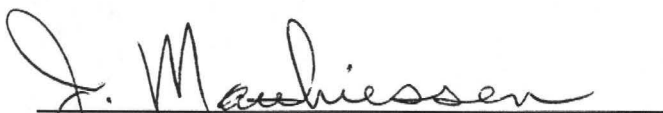
Finding of No Significant Impacts: Based on the analysis of potential environmental impacts contained in the environmental assessment, impacts are not expected to be significant and an environmental impact statement is not required.

Unavoidable impacts in the form of injuries to the horses may occur during the removal process. Death loss is not expected to exceed 1% of the horses captured at the trap site. Some stress to the horses would be associated with the capture operations, however, after adoption, the horses become accustomed to captivity. Because the loss of animals due to accidents is low, the impacts involved in the capture operation are not significant.

Rationale for Decision: The decision to implement this Capture Plan is in conformance with the Walker RMP. This action will maintain the range in a thriving ecological balance and prevent a deterioration of the range, as analyzed in the subject EA, in accordance with Sec. 3(b) of the Wild Free-Roaming Horses and Burros Act, as amended, 16 U.S.C. 1333(b) (1989). This would result in reduced soil erosion, improved plant vigor and density, and improve the physical condition of wild horses.

This action will not adversely impact air quality, ACECs, cultural resources, farmlands, floodplains, Native American religious concerns, T&E species, water quality, wetlands and riparian zones, wild and scenic rivers or wilderness.

Recommend Approval:

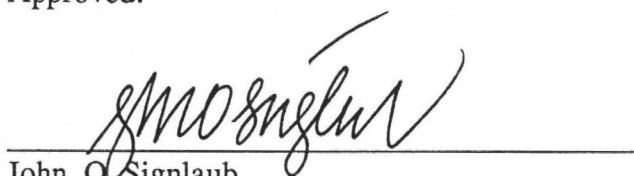


John Matthiessen
Area Manager
Walker Resource Area

OCT. 02 1995

Date

Approved:



John O. Signlaub
District Manager
Carson City District

10-2-95

Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. WHERE TO FILE
NOTICE OF APPEAL District Manager
Bureau of Land Management
Carson City District Office
1535 Hot Springs Road, Suite 300
Carson City, Nevada 89706-0638

SOLICITOR
ALSO COPY TO Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, California 95825-1890

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, California 95825-1890

4. ADVERSE PARTIES Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. PROOF OF SERVICE Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a))

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

* * * * *