



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

LOF 3/8/00
RECEIVED
OFFICE OF THE DIRECTOR
2000 MAR 10 AM 11:29

MAR - 8 2000

In Reply Refer To:
4160
(NV032)

Dear Interested Public,

Enclosed is a copy of the Assistant Manager's Grazing Decision for the Antelope Mountain and Red Rock Allotments. These decisions are a result of the Red Rock wildland fire that occurred in the summer of 1999.

Sincerely,

Jennifer Derley
Rangeland Management Specialist
Carson City Field Office

1 Enclosures:

1. Assistant Manager's Grazing Decision for the Antelope Mountain and Red Rock Allotments



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City Field Office
5665 Morgan Mill Road
Carson City, NV 89701
(775) 885-6000

In Reply Refer To:
4160
(NV-032)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MAR 08 2000

D.S. Ranches LLC
4830 Farm District Rd.
Fernley, NV 89408

The Antelope Mountain and Red Rock Allotments have been affected by the Red Rock wildland fire (J794). The fire burned 1120 acres within the southwestern portion of Antelope Mountain Allotment and 1920 acres within the Red Rock Allotment. A map of this burn is available at the Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701.

The Carson City Field Office plans to broadcast seed approximately 2500 acres in this fire.

ASSISTANT MANAGER'S GRAZING DECISION ANTELOPE MOUNTAIN AND RED ROCK ALLOTMENTS

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 Antelope Mountain and Red Rock Allotments is as follows:

- A. In accordance with 43 CFR §4110.3-3(b), the burned public land within 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:

T22N R19E Sections 4, 9, 10, 15, 16, and 22.

The above legal description includes roughly 2 percent of Antelope Mountain and 55 percent of Red Rock Allotment. Permitted use will not change in the Antelope Mountain Allotment and permitted use will be reduced by 55 percent in the Red Rock Allotment.

- B. In accordance with §4130.3-2(c), authorization is granted to use salt and/or supplements. Per the terms and condition of the grazing permit, salt and/or supplements will be placed at least one-quarter mile from live waters (springs/streams) and outside associated riparian areas, permanent livestock watering facilities, wet or dry meadows, and aspen stands. Also salt and/or supplements will not be placed in known historic properties.
- C. In accordance with §4130.3-2, the treatments and schedules will be monitored to determine the effectiveness of management applications. Any action(s) and/or modifications may be taken that are deemed appropriate to limit the spread and establishment of exotic and/or noxious plant species.
- D. In accordance with §4130.3-2, in the event that livestock drift is a recurring problem into the areas closed to grazing within the allotments, it will be necessary to close larger portions of the allotments or close the allotments entirely to livestock grazing.

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.

Grazing can be excluded from the burned portion of the Antelope Mountain Allotment by not utilizing the trough next to the burn. A more intense herding program can further limit the potential of animals entering the burned areas. Additionally, the use of salt and/or supplements are effective means to control livestock distribution.

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 is voluntarily reducing the herd size in the Red Rock Allotment. It is not anticipated that drift onto the burned areas will be a persistent problem, however, some drift may occur. If it does, the permittee will immediately remove the livestock. If the above mentioned or unanticipated problems develop, appropriate action will be taken, ranging from a larger area of the allotment being closed to total closure .

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.”

§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: (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 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.”

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.”

ADDITIONAL GUIDANCE

Emergency Fire Rehabilitation Plan – Red Rock Fire, approved on 11/29/99

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.

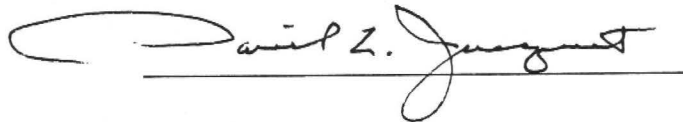
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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.

3/8/00
Date



Daniel Jacquet
Assistant Manager, Renewable Resources
Carson City Field Office