



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
(775) 623-1500
<http://www.nv.blm.gov/winnemucca>

L/wf 9/27/01

SEP 27 2001

In Reply Refer To:

(NV-22.12)
4160.3(f)

CERTIFIED MAIL NO. 7001670000785357466
RETURN RECEIPT REQUESTED

Notice of Final Decision

Eddie King
1150 Allen Road
Battle Mountain, NV 89820

Dear Mr. King: *and Mr. Bengochea*

In accordance with the Notice of Closure signed by the AFM, Renewable Resources, the burned portions of the **Rabbit pasture of the Bullhead Allotment** are closed to all livestock for a minimum of two (2) growing seasons for new seedings and natural recovery.

Preburn management practices may resume when a minimum of two growing seasons of rest have been provided for native species. Seedings would also be protected from livestock grazing for a minimum of two growing seasons.

The emergency closure may be lifted when the vegetative cover meets or exceeds 50% of the minimum potential perennial ground cover for the ecological site after a minimum of two growing seasons. The Winnemucca District will monitor the recovery of the burned area to see if the objectives of the closure are being achieved. If the fire rehabilitation criteria for the new seedings is not met, additional growing season rest may occur.

Once the burned portions and/or pastures are open to authorized livestock grazing, a 50% utilization objective, for the seeded species, will be in affect.

The emergency closure will provide rest for surviving perennial species to regain vigor and will provide seedling establishment of native species. The rest will also benefit the native species by allowing sufficient time for germination of seed, development of adequate seedling root growth to prevent uprooting by grazing animals, and by allowing perennial seedlings to develop good vigor and produce viable seed.

Areas to be seeded lack perennial species for natural revegetation. The burn area will not successfully reestablish to a native perennial plant community in a reasonable time frame of two or three growing seasons without seeding. These areas, if left to natural rehabilitation, could be invaded by less desirable annual plant species. Areas that are dominated by annual

species have a high potential hazard for recurring wildfire and the competition of annuals reduces the chance of perennial species establishing.

The permittee must keep livestock out of the burned portions of the Rabbit pasture.

We will be soliciting your participation in the selection of key areas and key species which will be the basis for the re-opening of the closed portion(s) of the allotment.

This final decision is **effective upon receipt** in accordance with 43 CFR 4110.3-3(b) and 4160.3(f) for the protection of the soil and vegetation due to fire.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by this final decision may file an appeal and petition for stay of the decision pending final determination of the appeal under Sec. 43 CFR §4160.4 and §4.470. Appeals and petitions for a stay of the decision shall be filed in person or in writing to Pete Christensen, AFM Renewable Resources, Bureau of Land Management, Winnemucca District, 5001 E. Winnemucca Blvd., Winnemucca, NV 89445, within 30 days after receipt of the final decision.

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 Sec. 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.

Sincerely yours,



Colin P. Christensen
Assistant Field Manager
Renewable Resources

cc Charley Amos 70001670000785357640
NDOW - Winnemucca 70001670000785358630
NDOW - Fallon 70001670000785358685
RCI 70001670000785358623
Humboldt County Commissioners 70001670000785358647

Nevada Cattlemen's Assoc. 70001670000785358616

BLM - Elko 70001670000785357763

State of Nevada Administration 70001670000785357657

Sierra Club 70001670000785358609

Nevada Woolgrower's Assoc. 70001670000785358692

Committee for Idaho's High Desert 70001670000785357879

9/27/01



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SEP 27 2001

In Reply Refer To:
(NV-22.12)
4160.3(f)

CERTIFIED MAIL NO. 70001670000785358678
RETURN RECEIPT REQUESTED

Notice of Final Decision

Nevada First Corporation
P.O. Box 490
Winnemucca, NV 89446

Dear Mr. Bengochea:

In accordance with the Notice of Closure signed by the AFM, Renewable Resources, the burned portions of the Castle Ridge and Rabbit pastures of the **Bullhead Allotment** and the burned portions of the Bloody Run Allotment are closed to all livestock for a minimum of two (2) growing seasons for new seedings and natural recovery.

Preburn management practices may resume when a minimum of two growing seasons of rest have been provided for native species. Seedings would also be protected from livestock grazing for a minimum of two growing seasons.

The emergency closure may be lifted when the vegetative cover meets or exceeds 50% of the minimum potential perennial ground cover for the ecological site after a minimum of two growing seasons. The Winnemucca District will monitor the recovery of the burned area to see if the objectives of the closure are being achieved. If the fire rehabilitation criteria for the new seedings is not met, additional growing season rest may occur.

Once the burned portions and/or pastures are open to authorized livestock grazing, a 50% utilization objective, for the seeded species, will be in affect.

The emergency closure will provide rest for surviving perennial species to regain vigor and will provide seedling establishment of native species. The rest will also benefit the native species by allowing sufficient time for germination of seed, development of adequate seedling root growth to prevent uprooting by grazing animals, and by allowing perennial seedlings to develop good vigor and produce viable seed.

Areas to be seeded lack perennial species for natural revegetation. The burn area will not

successfully reestablish to a native perennial plant community in a reasonable time frame of two or three growing seasons without seeding. These areas, if left to natural rehabilitation, could be invaded by less desirable annual plant species. Areas that are dominated by annual species have a high potential hazard for recurring wildfire and the competition of annuals reduces the chance of perennial species establishing.

The permittee must keep livestock out of the burned portions of the Castle Ridge pasture by herding.

We will be soliciting your participation in the selection of key areas and key species which will be the basis for the re-opening of the closed portion(s) of the allotment.

This final decision is **effective upon receipt** in accordance with 43 CFR 4110.3-3(b) and 4160.3(f) for the protection of the soil and vegetation due to fire.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by this final decision may file an appeal and petition for stay of the decision pending final determination of the appeal under Sec. 43 CFR §4160.4 and §4.470. Appeals and petitions for a stay of the decision shall be filed in person or in writing to Pete Christensen, AFM Renewable Resources, Bureau of Land Management, Winnemucca District, 5001 E. Winnemucca Blvd., Winnemucca, NV 89445, within 30 days after receipt of the final decision.

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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.

Sincerely yours,



Colin P. Christensen
Assistant Field Manager
Renewable Resources