

9/28/01



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
775-623-1500

In Reply Refer To:
(NV-22.18)
4160.3(f)

SEP 28 2001

CERTIFIED MAIL NO. 7000 1670 0007 8535 7916
RETURN RECEIPT REQUESTED

Notice of Final Decision

Ryan Kelly
7500 Jersey Valley Road
Winnemucca, NV 89445

Dear Mr. Kelly:

In accordance with the Notice of Closure signed by the AFM, Renewable Resources, the burned portion of the Jersey Valley Allotment is closed to all livestock for a minimum of two (2) growing seasons for new seedings and natural recovery.

Preburn management practices will 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 will 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 in not met, additional 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.

Fencing is being proposed for the burned portion. If fencing is not completed prior to livestock turnout in the spring of 2002, the permittee must keep livestock out of the burned portion of the Jersey Valley Allotment by herding and controlling water sources.

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

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RCI	7000 1670 0007 8535 8623
Pershing County Commissioners	7000 1670 0007 8535 7701
Nevada Cattlemen's Assoc.	7000 1670 0007 8535 8616
WHOA	7000 1670 0007 8535 7732
CPWH	7000 1670 0007 8535 7688
STATE OF NV ADMIN.	7000 1670 0007 8535 7657
Sierra Club	7000 1670 0007 8535 8609
Nevada Woolgrower's Assoc.	7000 1670 0007 8535 8692
Katie Fite	7000 1670 0007 8535 7879