



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

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4160/4770
(NV-032)
CF-273028

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MAR 13 2003

Dear Interested Public:

Enclosed are the ten copies of the Grazing Decision for Intermountain Land & Cattle Co. in the Paiute Allotment. This grazing decision was necessary as a result of fires on the Paiute Allotment

If you have any questions concerning the Paiute Allotment, please contact Peter Raffetto at (775) 885-6152.

Sincerely

Daniel L. Jacquet
Assistant Manager,
Renewable Resources
Carson City Field Office

Enclosures:

1. Intermountain Land & Cattle Co.- Grazing Decision - Paiute Allotment (4 pp).



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5665 Morgan Mill Rd.
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Intermountain Land & Cattle Co.
C/O Bob Marshall
2440 Holcomb Lane
Reno, NV 89511

The Antelope Valley 2000 Fire, Hungry Valley 2000 Fire, and Reservoir 1999 Fire affected the summer and winter ranges on the Paiute Allotment. These fires affected the Warm Springs, Hungry Valley, and Shovel Springs pastures. The burn areas were seeded and closed from cattle grazing. A map of this burn is available at the Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701.

The Carson City Field Office plans to open all three seedings with a maximum of 300 cattle run on the allotment.

GRAZING DECISION PAIUTE ALLOTMENT

In order to allow seeded areas additional time to establish and the surviving native vegetation time to attain full growth and vigor, my decision relating to livestock grazing within the summer and winter cattle range of the Paiute Allotment is as follows:

- A. In accordance with 43 CFR §4110.3-3(b), the following areas are opened to grazing this grazing year but will be limited to 300 cattle. Upon determination of continued forage improvement, the BLM will authorize the full 408 cattle during the grazing period.

The legal descriptions of the areas opened include the following sections or portions thereof:

<u>Fire</u>	<u>Township</u>	<u>Range</u>	<u>Sections</u>
Antelope Valley	23 North	20 East	29, 30, 31, 32, & 33
	22 North	20 East	4, 5, 6, 7, 8, 17, 18, & 20.
Hungry Valley	22 North	20 East	30, 31, & 32
	21 North	19 East	1 & 12
	21 North	20 East	5, 6, 7, 8, 11, & 12
Reservoir	21 North	19 East	36
	21 North	19 East	19, 20, 22, 28, 29, 30, 31, & 32

The above legal descriptions include approximately 7,486 acres in Antelope Valley Fire burned, 3,738 acres in the Hungry Valley Fire burned, and the 4,600 acres in the Reservoir Fire burned in the Paiute Allotment. The maximum amount of cattle on the allotment will be 300 cattle.

Open the Shovel Spring Pasture in the summer of 2003 and graze the pasture with 300 cattle from June 6, 2003 to July 25, 2003. On April 1, 2003, implement the grazing permit and grazing system with only 300 cattle through the whole year on the Paiute Allotment.

RATIONALE

Adequate time to reach full numbers on the allotment 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.

The authorized period of use runs yearlong. Grazing occurs throughout the growing season. This is offset by the grazing rotation for the pastures on the Paiute Allotment.

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 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 hearing 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."

§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 shall 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 Hearing 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 Hearing and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provide 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

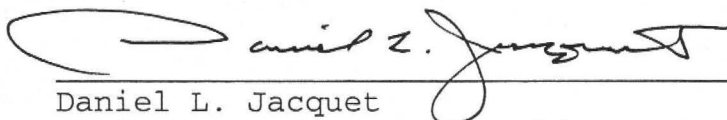
It is my decision that the closure be placed in full force and effect as provided under 43 CFR §4160.3(f). Any applicant, permittee, lessee, or other person whose interest is adversely affected by the Final Decision may file an appeal and petition for stay of the Decision pending final determination 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.



Daniel L. Jacquet
Assistant Manager, Renewable Resources
Carson City Field Office

3/12/03
Date