



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 5/11/03
In Reply Refer To:
NV 022.16
4160.4

MAY 11 2003

Dear Interested Public:

This letter is to inform you that Maestri Land and Cattle Company has appealed the Notice of Closure to Livestock Grazing Portions of the South Rochester and Rawhide Allotment within the North Stillwater herd Management Area.

If you should have any question regarding this appeal, please don't hesitate to contact Gene Seidlitz or Ronda Purdy at the above address and phone number.

Sincerely Yours,

Les Boni
Assistant Manager
Renewable Resources



United States Department of the Interior

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FEB 07 2003

In Reply Refer To:
4110.3-3(b)
(NV-022.18)

NOTICE OF CLOSURE TO LIVESTOCK GRAZING

For protection of the soil and vegetation, due to drought, and because continued grazing use poses a significant risk of resource damage, I hereby close to all livestock grazing use on public lands herein described in the following allotments located in Pershing County:

PORTIONS OF THE SOUTH ROCHESTER AND RAWHIDE ALLOTMENTS WITHIN THE NORTH STILLWATER HERD MANAGEMENT AREA

This Notice of Closure is to remain in effect for a minimum of two (2) growing seasons or until the criteria is met as spelled out in the Final Decision and/or Agreement. Upon determination that the objectives have been met, authorized grazing use may resume.

The Winnemucca Field Office will monitor the recovery of these areas to determine if the objectives of this closure are being achieved.

This Closure is issued as a Final Decision and is effective upon issuance pursuant to Title 43 CFR, sections 4110.3-3(b) and 4160.3(f) of the Grazing Regulations for the Public Lands.

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 within 30 days after receipt of the final decision, in person or in writing to:

Les W. Boni, AFM Renewable Resources
Bureau of Land Management, Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

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

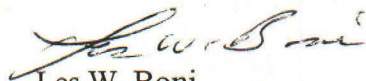
Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards under Sec. 43 CFR 4.21:

- (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.

This notice is to inform you that any livestock grazing upon closed portions of public land under Bureau of Land Management's control are in violation of 43 CFR 4140.1(b)(1) and may be impounded. The unauthorized livestock may be impounded at any time after five (5) days from delivery of this notice or after five (5) days from publishing and posting of this notice. This notice is issued in accordance with 43 CFR 4150.4; any impoundment of unauthorized livestock in connection with this notice will be done in accordance with 43 CFR 4150.4-2.



Les W. Boni
Assistant Field Manager
Renewable Resources



United States Department of the Interior

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(775) 623-1500

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FEB 06 2003

In Reply Refer To:
4160
(NV-022.11)

Certified Receipt Number: 7002 2030 0003 0283 6439

Return Receipt Requested

Notice Of Final Decision Effective Immediately

Pleasant Valley Ranches, Inc.
C/O Richard Carter
P.O. Box 1677
Winnemucca, NV 89446

Dear Mr. Carter:

Concerns about the current drought are expressed in the following letters and has manifested itself as a need for a change of livestock and wild horse and burro management on those portions of the South Rochester and Rawhide Allotments that make up a portion of the North Stillwater Herd Management Area (HMA). (See map 1)

The North Stillwater HMA is located within the Stillwater Range and is approximately 24 miles east of Lovelock, Nevada. This HMA is made up of portions of the Boyer Ranch, Cottonwood Canyon, Copper Kettle, Dixie Valley, Jersey Valley, Pleasant Valley, Rawhide, South Buffalo and South Rochester Allotments.

On September 19, 2000, BLM issued you a letter regarding the dry climatic conditions that were occurring that fall. Also stated was that your livestock management may have to be adjusted due to the drought like conditions.

On May 23, 2001, BLM issued to you a second letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2001 grazing season.

On November 02, 2001, BLM issued a third letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2002 grazing season.

On April 17, 2002, BLM issued a fourth letter reminding you of the current drought conditions.

On August 29, 2002, Members of my staff accompanied by your consultant and Frank Maestri toured the North Stillwater HMA to assess the forage and water conditions. All parties agreed that there was a lack of forage due to the drought and was being compounded by excessive wild horses and yearlong livestock grazing. Actions discussed were; closure of the allotments to

grazing, closure of just the HMA to grazing, an emergency wild horse gather, moving livestock off of the HMA to other parts of the allotments and complete livestock removal.

On October 07, 2002, a meeting was held at the Winnemucca Field Office to discuss management options in light of the present drought. In attendance were: Marty Landa of Pleasant Valley Ranches, Inc., Vance and Diana Vesco, Michael and Frank Maestri, Joe Dahl, and members of my staff. As a result, Pleasant Valley Ranches, Inc. and Vesco Ranch voluntarily removed their livestock.

On November 11, 2002, a tour of the North Stillwater HMA with Les Boni, Terry Reed, Everett Bartz, Nadine Paine, Mike Zielinski, Frank Maestri, Joe Dahl and congressional representation was performed. There was a reaffirmation of a general lack of forage and excess horses.

On November 22, 2002, BLM issued a fifth letter reiterating that the dry conditions have continued for several years now and that you should expect some kind of livestock management change for the 2003 grazing season.

On January 8, 2003, BLM issued you a letter regarding the proposed North Stillwater HMA wild horse gather. You were reminded that it is mandatory that all of your livestock be removed from the HMA, both prior to, during and after the wild horse gather.

On January 14 and 21, 2003 we met to further discuss the gather of wild horses, drought, closure of the HMA and suspension of AUMs.

Based upon the above information, field tours, meetings and recommendations from my staff, it is my final decision to close the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing effective immediately.

Area of Closure

Rawhide Allotment the area of closure is that portion of the North Stillwater HMA within the Rawhide Allotment. This area is the extreme southeastern corner of the allotment. This area is contained between the HMA boundary and the eastern allotment boundary (See map 1).

T 27 N, R 37 E, MDM

Section 14: NW ¼

Section 28: All

Section 15: All

Section 29: E ½, SW ¼ E ½, SW ¼ SW ¼

Section 16: S ½ S ½, SE ¼ E ½

Section 31: E ½ E ½

Section 21: All

Section 32: All

Section 22: W ½

Section 33: All

Section 27: NW ¼

Section 34: SW ¼ SW ¼

South Rochester Allotment

Beginning at the intersection of the northern allotment boundary of the South Rochester Allotment and Antelope road (this is the gravel/blacktop road through Buena Vista Valley) the area of closure is south of and east of Antelope road and extends to the HMA boundary. (See map 1)

The western extent of the closure area would be a line extending south towards Chocolate Butte from the intersection of Antelope road in T. 26N, R. 34E, Section 24. At this intersection of Antelope road begins the road that heads north towards Buffalo Springs in the western side of the Rawhide Allotment.

Then from the Chocolate Butte the boundary would extend due south to the Coal Canyon road and follow this road to the southeast and stop at the Churchill County line. The Churchill County line is the southern boundary. The extreme eastern allotment boundaries for South Rochester and Rawhide Allotments are the eastern boundaries of closure. (See map 1)

Suspension of AUMs

This area of closure in the South Rochester Allotment is 28% percent of the surface area of the allotment. Therefore, 28% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure. As for the Rawhide Allotment, this area of closure is 3% of the surface area of the allotment. Therefore 3% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure.

For the protection of the vegetation and watershed due to severe drought conditions, yearlong wild horse and livestock use, the portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments are hereby temporarily closed to livestock grazing. In addition, a suspension of AUMs will be implemented.

The following table depicts grazing authorizations that will be temporarily suspended:

South Rochester Allotment, a 28% suspension				
From:	Michael Maestri	294 C	01/01 to 10/31	1939 AUMs
	Michael Maestri	171 C	11/01 to 12/31	226 AUMs
	Pleasant Valley Ranches, Inc.	44 C	04/01 to 12/31	398 AUMs
To:	Michael Maestri	211	01/01 to 10/31	1396 AUMs
	Michael Maestri	123	11/01 to 12/31	163 AUMs
	Pleasant Valley Ranches, Inc.	32	04/01 to 12/31	286 AUMs
Rawhide Allotment, a 3% suspension				
From:	Michael Maestri	254 C	01/01 to 10/31	2132 AUMs
	Pleasant Valley Ranches, Inc.	40 C	04/01 to 12/31	362 AUMs
	Vesco Ranch	30 C	04/01 to 11/30	241 AUMs
To:	Michael Maestri	246 C	01/01 to 10/31	2068 AUMs
	Pleasant Valley Ranches, Inc.	39 C	04/01 to 12/31	351 AUMs
	Vesco Ranch	29 C	04/01 to 11/30	233 AUMs

This decision is effective immediately and will remain in effect until the following criteria have been met:

1. Total yearly vegetative production on both annuals and perennial plants must equal or exceed 254 pounds per acre. This information was based upon ecological site inventory data collected from 4 sites in 1992.
2. The key forage species all show good vigor;
3. Soils are sufficiently protected from potential erosion; and
4. Key perennial forage species reach seed maturity (seed set).

It is very important that the permittees keep their livestock off the closed portions of the HMA within the Rawhide and South Rochester Allotments. This may be done by herding, salting and/or by controlling water sources. If livestock are repeatedly observed in the closed area, further actions will be identified through discussions with the permittees.

Authorized grazing use will resume when a determination that the above listed criteria have been met. BLM will work with you and our interested publics when forage conditions are evaluated to determine the lifting of this closure.

Rational:

Severe drought conditions continue to exist within the Buena Vista Valley and more specifically the North Stillwater HMA. Indications from field observations are that impacts caused by the drought continue to persist and available forage and/or water are extremely limited. Past below normal precipitation has resulted in decreased soil moisture, decreased production of plant biomass, decreased plant vigor and has negatively impacted water sources on both allotments. Heavy use by livestock and wild horses has occurred on key forage species within the upland and riparian habitats during the 2002 growing season.

Therefore, closure of portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing is needed for the betterment of the range vegetation. As a result of the closure, a suspension of active AUMs for each permittee who operates within the closure area is needed. Both of these actions are being taken to protect the vegetative resource and allow the plant communities time to regain vigor and allow for the accumulation of stored root reserves that leads to healthier range vegetation.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, Part 4100, which states in part:

4110.3-2(a): 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(a): After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing 43 CFR 4110.3-2 shall be issued as proposed decisions pursuant to 43 CFR 4160.1 of this part, except as provided in paragraph (b) of this section.

4110.3-3 (b): 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 permittees 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.

4160.1(c): The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with 4110.3-3(b) or 4150.2(d) of this part.

4160.3(f): Notwithstanding the provisions of 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 office has made a determination in accordance with 4110.3-3(b) or 4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or Interior Board of Land Appeals to place decisions in full force and effect as provided in 4.21(a)(1) of this title.

APPEAL PROCEDURES:

Any applicant, permittee, lessee or other interested public whose interest is adversely affected by the final livestock decision may file an appeal, and may petition for stay of the decision pending final determination on appeal under Sec 43 CFR 4160.4 and 43 CFR 4.470. The appeal and petition for stay must be filed at the following address:

Les Boni
AFM Renewable Resources
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

The appeal and petition for stay must be filed within thirty (30) days following 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:

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.

The petition for stay must also be filed in the office of the authorized officer.

Sincerely,



Les W. Boni
Assistant District Manager
Renewable Resources

Enclosure North Stillwater HMA closure area map

cc:	Committee for Idaho's High Desert	7002 2030 0003 0283 6378
	Pershing County Commissioners	7002 2030 0003 0283 6385
	Pleasant Valley Ranch, Inc.	7002 2030 0003 0283 6392
	Western Watershed Project	7002 2030 0003 0283 6408
	NCPWH Cathy Barcomb	7002 2030 0003 0283 6415
	WHOA Dawn Lappin	7002 2030 0003 0283 6422
	NDOW Fallon	7002 0460 0001 5212 4093
	Joe Dahl	7002 0460 0001 5212 4222



North Stillwater HMA closure area

Map 1



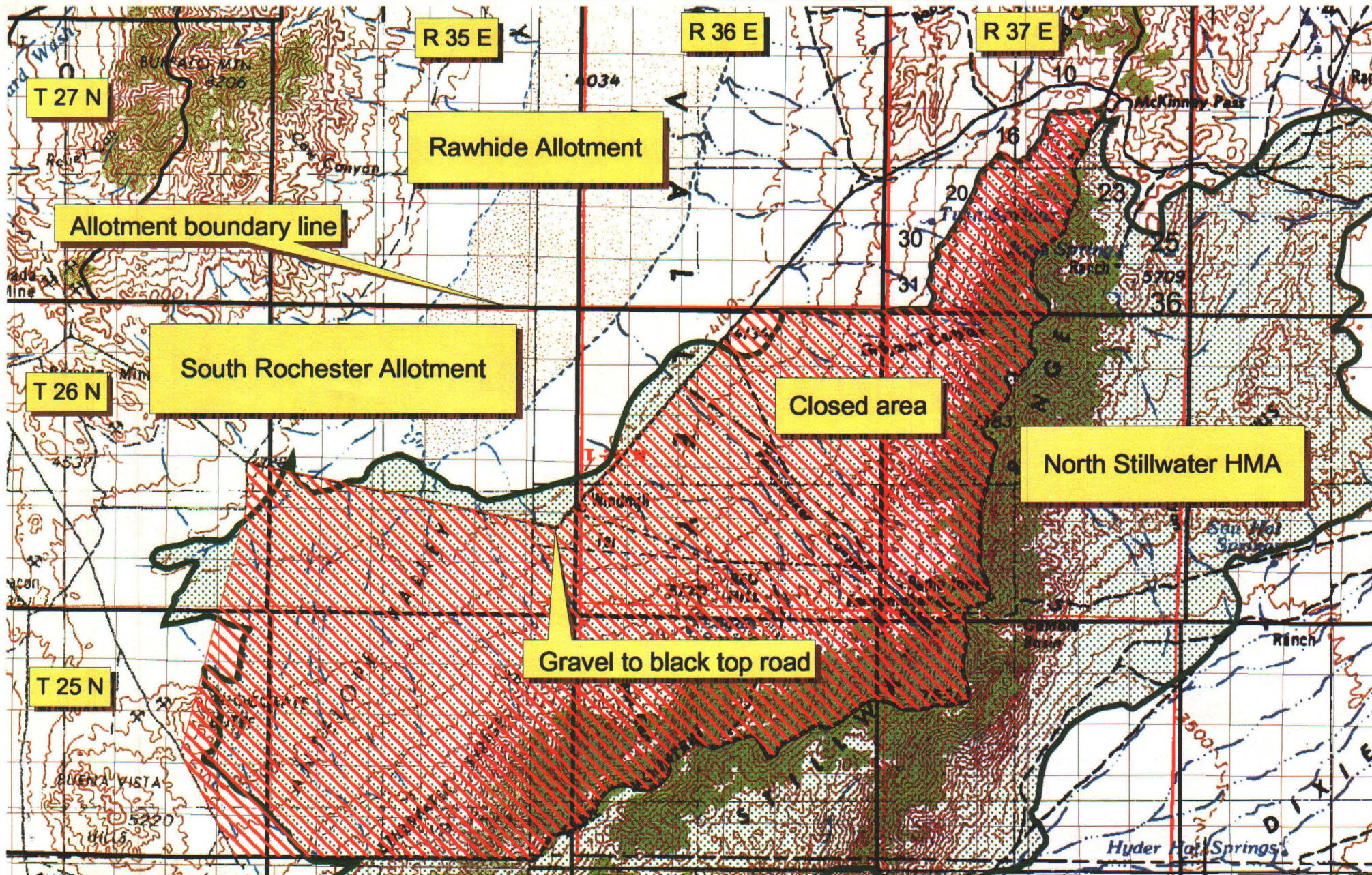
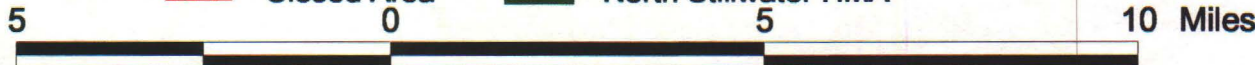
United States Department of the Interior
Bureau of Land Management
Wenatchee Field Office
5100 E. Wenatchee Blvd.
Wenatchee, NV 99440



Closed Area



North Stillwater HMA



Rawhide Allotment

Allotment boundary line

South Rochester Allotment

Closed area

North Stillwater HMA

Gravel to black top road



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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(775) 623-1500

<http://www.nv.blm.gov/winnemucca>

FEB 06 2003

In Reply Refer To:
4160
(NV-022.11)

Certified Receipt Number: 7002 2030 0003 0283 5722

Return Receipt Requested

Notice Of Final Decision
Effective Immediately

John Olagaray
11888 North Davis Road
Lodi, CA 95242

Dear Mr. Olagaray:

Concerns about the current drought are expressed in the following letters and has manifested itself as a need for a change of livestock and wild horse and burro management on those portions of the South Rochester and Rawhide Allotments that make up a portion of the North Stillwater Herd Management Area (HMA). (See map 1)

The North Stillwater HMA is located within the Stillwater Range and is approximately 24 miles east of Lovelock, Nevada. This HMA is made up of portions of the Boyer Ranch, Cottonwood Canyon, Copper Kettle, Dixie Valley, Jersey Valley, Pleasant Valley, Rawhide, South Buffalo and South Rochester Allotments.

On September 19, 2000, BLM issued you a letter regarding the dry climatic conditions that were occurring that fall. Also stated was that your livestock management may have to be adjusted due to the drought like conditions.

On May 23, 2001, BLM issued to you a second letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2001 grazing season.

On November 02, 2001, BLM issued a third letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2002 grazing season.

On April 17, 2002, BLM issued a fourth letter reminding you of the current drought conditions.

On August 29, 2002, Members of my staff accompanied by your consultant and Frank Maestri toured the North Stillwater HMA to assess the forage and water conditions. All parties agreed that there was a lack of forage due to the drought and was being compounded by excessive wild horses and yearlong livestock grazing. Actions discussed were; closure of the allotments to

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T 27 N, R 37 E, MDM

Section 14: NW ¼	Section 28: All
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Then from the Chocolate Butte the boundary would extend due south to the Coal Canyon road and follow this road to the southeast and stop at the Churchill County line. The Churchill County line is the southern boundary. The extreme eastern allotment boundaries for South Rochester and Rawhide Allotments are the eastern boundaries of closure. (See map 1)

Suspension of AUMs

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For the protection of the vegetation and watershed due to severe drought conditions, yearlong wild horse and livestock use, the portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments are hereby temporarily closed to livestock grazing. In addition, a suspension of AUMs will be implemented.

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1. Total yearly vegetative production on both annuals and perennial plants must equal or exceed 254 pounds per acre. This information was based upon ecological site inventory data collected from 4 sites in 1992.
2. The key forage species all show good vigor;
3. Soils are sufficiently protected from potential erosion; and
4. Key perennial forage species reach seed maturity (seed set).

It is very important that the permittees keep their livestock off the closed portions of the HMA within the Rawhide and South Rochester Allotments. This may be done by herding, salting and/or by controlling water sources. If livestock are repeatedly observed in the closed area, further actions will be identified through discussions with the permittees.

Authorized grazing use will resume when a determination that the above listed criteria have been met. BLM will work with you and our interested publics when forage conditions are evaluated to determine the lifting of this closure.

Rational:

Severe drought conditions continue to exist within the Buena Vista Valley and more specifically the North Stillwater HMA. Indications from field observations are that impacts caused by the drought continue to persist and available forage and/or water are extremely limited. Past below normal precipitation has resulted in decreased soil moisture, decreased production of plant biomass, decreased plant vigor and has negatively impacted water sources on both allotments. Heavy use by livestock and wild horses has occurred on key forage species within the upland and riparian habitats during the 2002 growing season.

Therefore, closure of portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing is needed for the betterment of the range vegetation. As a result of the closure, a suspension of active AUMs for each permittee who operates within the closure area is needed. Both of these actions are being taken to protect the vegetative resource and allow the plant communities time to regain vigor and allow for the accumulation of stored root reserves that leads to healthier range vegetation.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, Part 4100, which states in part:

4110.3-2(a): 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(a): After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing 43 CFR 4110.3-2 shall be issued as proposed decisions pursuant to 43 CFR 4160.1 of this part, except as provided in paragraph (b) of this section.

4110.3-3 (b): 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 permittees 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.

4160.1(c): The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with 4110.3-3(b) or 4150.2(d) of this part.

4160.3(f): Notwithstanding the provisions of 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 office has made a determination in accordance with 4110.3-3(b) or 4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or Interior Board of Land Appeals to place decisions in full force and effect as provided in 4.21(a)(1) of this title.

APPEAL PROCEDURES:

Any applicant, permittee, lessee or other interested public whose interest is adversely affected by the final livestock decision may file an appeal, and may petition for stay of the decision pending final determination on appeal under Sec 43 CFR 4160.4 and 43 CFR 4.470. The appeal and petition for stay must be filed at the following address:

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Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

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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.

The petition for stay must also be filed in the office of the authorized officer.

Sincerely,



Les W. Boni
Assistant District Manager
Renewable Resources

Enclosure North Stillwater HMA closure area map

cc:	Committee for Idaho's High Desert	7002 2030 0003 0283 6378
	Pershing County Commissioners	7002 2030 0003 0283 6385
	Pleasant Valley Ranch, Inc.	7002 2030 0003 0283 6392
	Western Watershed Project	7002 2030 0003 0283 6408
	NCPWH Cathy Barcomb	7002 2030 0003 0283 6415
	WHOA Dawn Lappin	7002 2030 0003 0283 6422
	NDOW Fallon	7002 0460 0001 5212 4093
	Joe Dahl	7002 0460 0001 5212 4222



North Stillwater HMA closure area

Map 1



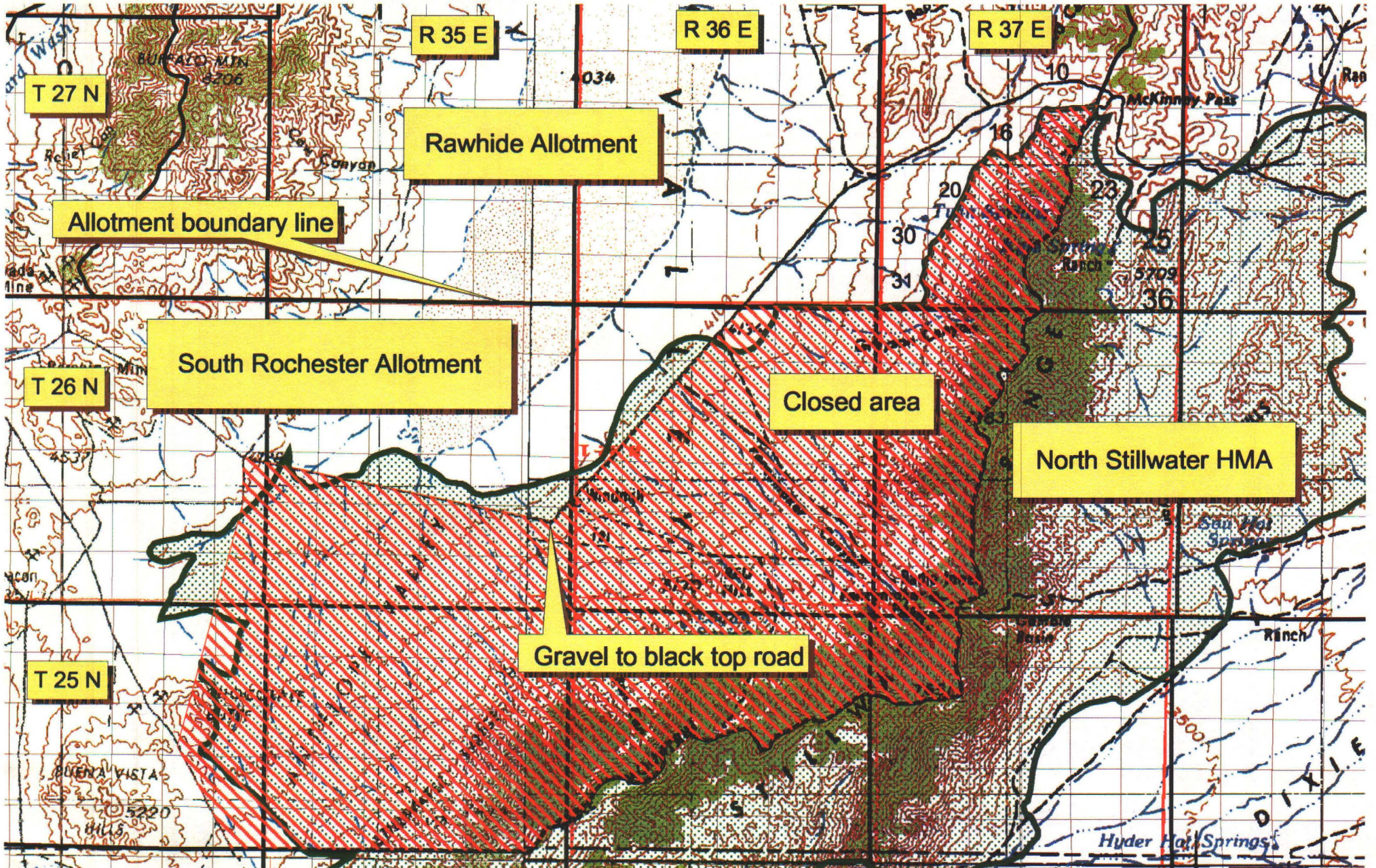
United States Department of the Interior
Bureau of Land Management
Wenemucca Field Office
5100 E. Wenemucca Blvd.
Wenemucca, NV 89445



Closed Area



North Stillwater HMA



T 27 N

R 35 E

R 36 E

R 37 E

Allotment boundary line

Rawhide Allotment

T 26 N

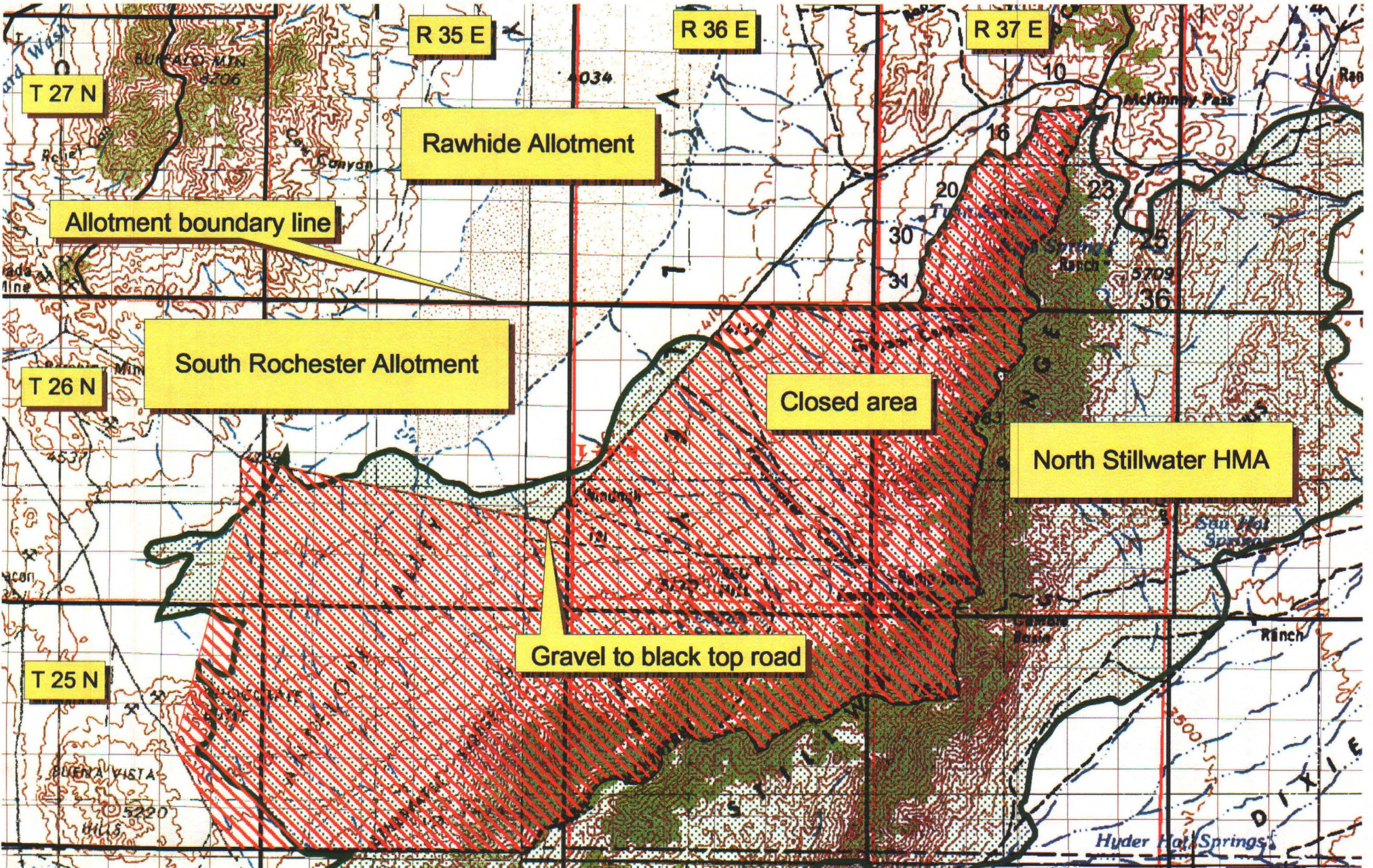
South Rochester Allotment

Closed area

North Stillwater HMA

T 25 N

Gravel to black top road





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>

In Reply Refer To:
4160
(NV-022.11)

FEB 06 2003

Certified Receipt Number: 7002 2030 0003 0283 6361
Return Receipt Requested

Notice Of Final Decision Effective Immediately

Jim Safford
R.R. 1, Box 2
Lovelock, NV 89419

Dear Mr. Safford:

Concerns about the current drought are expressed in the following letters and has manifested itself as a need for a change of livestock and wild horse and burro management on those portions of the South Rochester and Rawhide Allotments that make up a portion of the North Stillwater Herd Management Area (HMA). (See map 1)

The North Stillwater HMA is located within the Stillwater Range and is approximately 24 miles east of Lovelock, Nevada. This HMA is made up of portions of the Boyer Ranch, Cottonwood Canyon, Copper Kettle, Dixie Valley, Jersey Valley, Pleasant Valley, Rawhide, South Buffalo and South Rochester Allotments.

On September 19, 2000, BLM issued you a letter regarding the dry climatic conditions that were occurring that fall. Also stated was that your livestock management may have to be adjusted due to the drought like conditions.

On May 23, 2001, BLM issued to you a second letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2001 grazing season.

On November 02, 2001, BLM issued a third letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2002 grazing season.

On April 17, 2002, BLM issued a fourth letter reminding you of the current drought conditions.

On August 29, 2002, Members of my staff accompanied by your consultant and Frank Maestri toured the North Stillwater HMA to assess the forage and water conditions. All parties agreed that there was a lack of forage due to the drought and was being compounded by excessive wild horses and yearlong livestock grazing. Actions discussed were; closure of the allotments to

grazing, closure of just the HMA to grazing, an emergency wild horse gather, moving livestock off of the HMA to other parts of the allotments and complete livestock removal.

On October 07, 2002, a meeting was held at the Winnemucca Field Office to discuss management options in light of the present drought. In attendance were: Marty Landa of Pleasant Valley Ranches, Inc., Vance and Diana Vesco, Michael and Frank Maestri, Joe Dahl, and members of my staff. As a result, Pleasant Valley Ranches, Inc. and Vesco Ranch voluntarily removed their livestock.

On November 11, 2002, a tour of the North Stillwater HMA with Les Boni, Terry Reed, Everett Bartz, Nadine Paine, Mike Zielinski, Frank Maestri, Joe Dahl and congressional representation was performed. There was a reaffirmation of a general lack of forage and excess horses.

On November 22, 2002, BLM issued a fifth letter reiterating that the dry conditions have continued for several years now and that you should expect some kind of livestock management change for the 2003 grazing season.

On January 8, 2003, BLM issued you a letter regarding the proposed North Stillwater HMA wild horse gather. You were reminded that it is mandatory that all of your livestock be removed from the HMA, both prior to, during and after the wild horse gather.

On January 14 and 21, 2003 we met to further discuss the gather of wild horses, drought, closure of the HMA and suspension of AUMs.

Based upon the above information, field tours, meetings and recommendations from my staff, it is my final decision to close the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing effective immediately.

Area of Closure

Rawhide Allotment the area of closure is that portion of the North Stillwater HMA within the Rawhide Allotment. This area is the extreme southeastern corner of the allotment. This area is contained between the HMA boundary and the eastern allotment boundary (See map 1).

T 27 N, R 37 E, MDM

Section 14: NW $\frac{1}{4}$

Section 28: All

Section 15: All

Section 29: E $\frac{1}{2}$, SW $\frac{1}{4}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ E $\frac{1}{2}$

Section 31: E $\frac{1}{2}$ E $\frac{1}{2}$

Section 21: All

Section 32: All

Section 22: W $\frac{1}{2}$

Section 33: All

Section 27: NW $\frac{1}{4}$

Section 34: SW $\frac{1}{4}$ SW $\frac{1}{4}$

South Rochester Allotment

Beginning at the intersection of the northern allotment boundary of the South Rochester Allotment and Antelope road (this is the gravel/blacktop road through Buena Vista Valley) the area of closure is south of and east of Antelope road and extends to the HMA boundary. (See map 1)

The western extent of the closure area would be a line extending south towards Chocolate Butte from the intersection of Antelope road in T. 26N, R. 34E, Section 24. At this intersection of Antelope road begins the road that heads north towards Buffalo Springs in the western side of the Rawhide Allotment.

Then from the Chocolate Butte the boundary would extend due south to the Coal Canyon road and follow this road to the southeast and stop at the Churchill County line. The Churchill County line is the southern boundary. The extreme eastern allotment boundaries for South Rochester and Rawhide Allotments are the eastern boundaries of closure. (See map 1)

Suspension of AUMs

This area of closure in the South Rochester Allotment is 28% percent of the surface area of the allotment. Therefore, 28% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure. As for the Rawhide Allotment, this area of closure is 3% of the surface area of the allotment. Therefore 3% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure.

For the protection of the vegetation and watershed due to severe drought conditions, yearlong wild horse and livestock use, the portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments are hereby temporarily closed to livestock grazing. In addition, a suspension of AUMs will be implemented.

The following table depicts grazing authorizations that will be temporarily suspended:

South Rochester Allotment, a 28% suspension				
From:	Michael Maestri	294 C	01/01 to 10/31	1939 AUMs
	Michael Maestri	171 C	11/01 to 12/31	226 AUMs
	Pleasant Valley Ranches, Inc.	44 C	04/01 to 12/31	398 AUMs
To:	Michael Maestri	211	01/01 to 10/31	1396 AUMs
	Michael Maestri	123	11/01 to 12/31	163 AUMs
	Pleasant Valley Ranches, Inc.	32	04/01 to 12/31	286 AUMs
Rawhide Allotment, a 3% suspension				
From:	Michael Maestri	254 C	01/01 to 10/31	2132 AUMs
	Pleasant Valley Ranches, Inc.	40 C	04/01 to 12/31	362 AUMs
	Vesco Ranch	30 C	04/01 to 11/30	241 AUMs
To:	Michael Maestri	246 C	01/01 to 10/31	2068 AUMs
	Pleasant Valley Ranches, Inc.	39 C	04/01 to 12/31	351 AUMs
	Vesco Ranch	29 C	04/01 to 11/30	233 AUMs

This decision is effective immediately and will remain in effect until the following criteria have been met:

1. Total yearly vegetative production on both annuals and perennial plants must equal or exceed 254 pounds per acre. This information was based upon ecological site inventory data collected from 4 sites in 1992.
2. The key forage species all show good vigor;
3. Soils are sufficiently protected from potential erosion; and
4. Key perennial forage species reach seed maturity (seed set).

It is very important that the permittees keep their livestock off the closed portions of the HMA within the Rawhide and South Rochester Allotments. This may be done by herding, salting and/or by controlling water sources. If livestock are repeatedly observed in the closed area, further actions will be identified through discussions with the permittees.

Authorized grazing use will resume when a determination that the above listed criteria have been met. BLM will work with you and our interested publics when forage conditions are evaluated to determine the lifting of this closure.

Rational:

Severe drought conditions continue to exist within the Buena Vista Valley and more specifically the North Stillwater HMA. Indications from field observations are that impacts caused by the drought continue to persist and available forage and/or water are extremely limited. Past below normal precipitation has resulted in decreased soil moisture, decreased production of plant biomass, decreased plant vigor and has negatively impacted water sources on both allotments. Heavy use by livestock and wild horses has occurred on key forage species within the upland and riparian habitats during the 2002 growing season.

Therefore, closure of portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing is needed for the betterment of the range vegetation. As a result of the closure, a suspension of active AUMs for each permittee who operates within the closure area is needed. Both of these actions are being taken to protect the vegetative resource and allow the plant communities time to regain vigor and allow for the accumulation of stored root reserves that leads to healthier range vegetation.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, Part 4100, which states in part:

4110.3-2(a): 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(a): After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing 43 CFR 4110.3-2 shall be issued as proposed decisions pursuant to 43 CFR 4160.1 of this part, except as provided in paragraph (b) of this section.

4110.3-3 (b): 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 permittees 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.

4160.1(c): The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with 4110.3-3(b) or 4150.2(d) of this part.

4160.3(f): Notwithstanding the provisions of 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 office has made a determination in accordance with 4110.3-3(b) or 4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or Interior Board of Land Appeals to place decisions in full force and effect as provided in 4.21(a)(1) of this title.

APPEAL PROCEDURES:

Any applicant, permittee, lessee or other interested public whose interest is adversely affected by the final livestock decision may file an appeal, and may petition for stay of the decision pending final determination on appeal under Sec 43 CFR 4160.4 and 43 CFR 4.470. The appeal and petition for stay must be filed at the following address:

Les Boni
AFM Renewable Resources
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

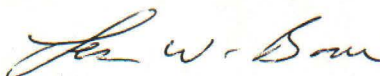
The appeal and petition for stay must be filed within thirty (30) days following receipt of the final decision. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

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.

The petition for stay must also be filed in the office of the authorized officer.

Sincerely,



Les W. Boni
Assistant District Manager
Renewable Resources

Enclosure North Stillwater HMA closure area map

cc: Committee for Idaho's High Desert	7002 2030 0003 0283 6378
Pershing County Commissioners	7002 2030 0003 0283 6385
Pleasant Valley Ranch, Inc.	7002 2030 0003 0283 6392
Western Watershed Project	7002 2030 0003 0283 6408
NCPWH Cathy Barcomb	7002 2030 0003 0283 6415
WHOA Dawn Lappin	7002 2030 0003 0283 6422
NDOW Fallon	7002 0460 0001 5212 4093
Joe Dahl	7002 0460 0001 5212 4222



North Stillwater HMA closure area

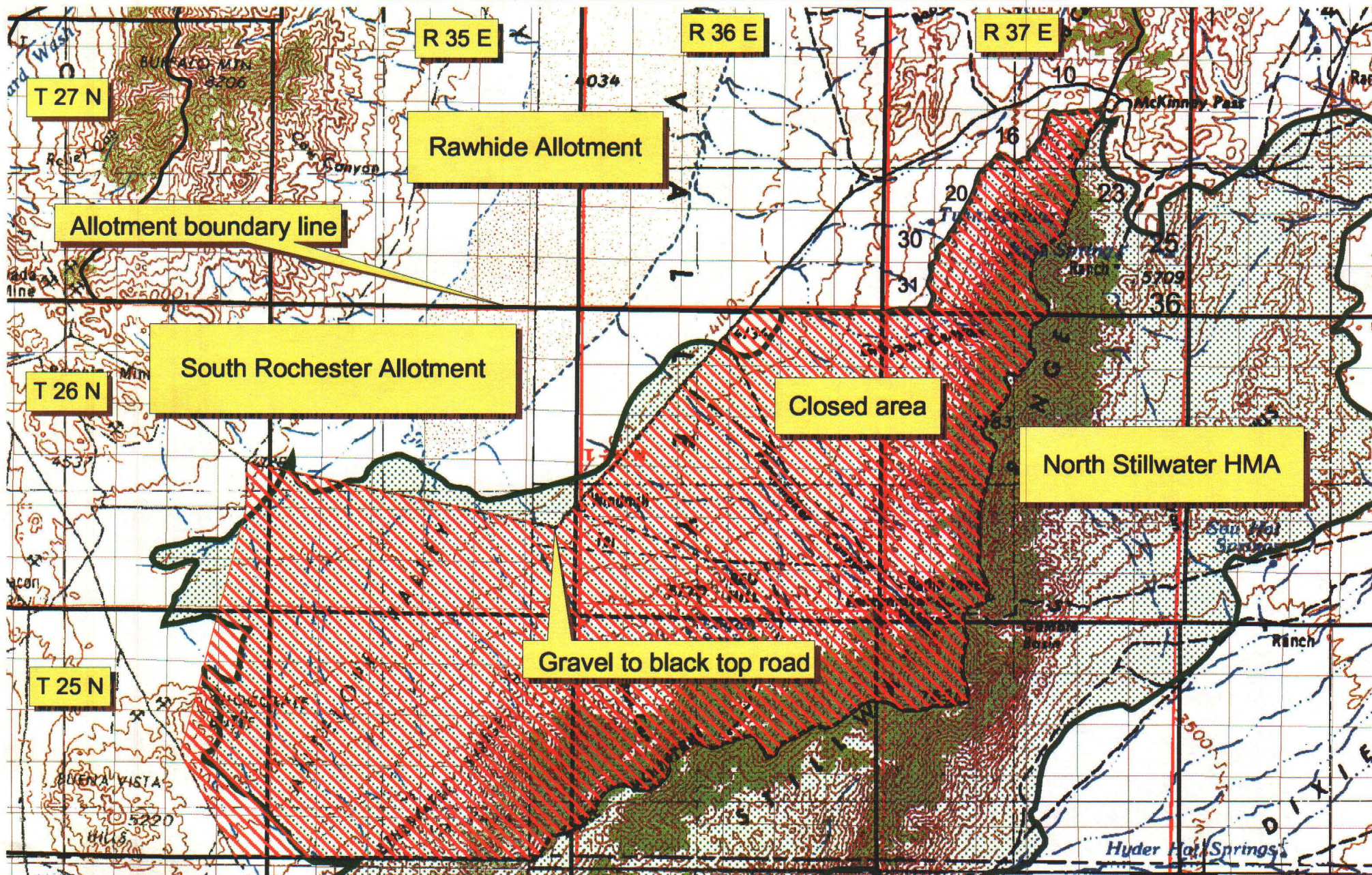
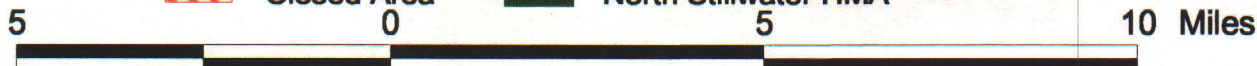
Map 1



United States Department of the Interior
Bureau of Land Management
Wenatchee Field Office
6100 E. Wenatchee Blvd
Wenatchee, WA 98805

 Closed Area

 North Stillwater HMA



R 35 E

R 36 E

R 37 E

T 27 N

T 26 N

T 25 N

Rawhide Allotment

South Rochester Allotment

Closed area

North Stillwater HMA

Gravel to black top road

BUKAYO MTN
5205

Spring
5709

BUENA VISTA
HILLS
5220

3500

Huder Pass Springs



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>

FEB 06 2003

In Reply Refer To:
4160
(NV-022.11)

Certified Receipt Number: 7002 0460 0001 5212 4246
Return Receipt Requested

Notice Of Final Decision Effective Immediately

Vesco Ranch
P.O. Box 506
Winnemucca, NV 89446

Dear Mr. Vesco:

Concerns about the current drought are expressed in the following letters and has manifested itself as a need for a change of livestock and wild horse and burro management on those portions of the South Rochester and Rawhide Allotments that make up a portion of the North Stillwater Herd Management Area (HMA). (See map 1)

The North Stillwater HMA is located within the Stillwater Range and is approximately 24 miles east of Lovelock, Nevada. This HMA is made up of portions of the Boyer Ranch, Cottonwood Canyon, Copper Kettle, Dixie Valley, Jersey Valley, Pleasant Valley, Rawhide, South Buffalo and South Rochester Allotments.

On September 19, 2000, BLM issued you a letter regarding the dry climatic conditions that were occurring that fall. Also stated was that your livestock management may have to be adjusted due to the drought like conditions.

On May 23, 2001, BLM issued to you a second letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2001 grazing season.

On November 02, 2001, BLM issued a third letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2002 grazing season.

On April 17, 2002, BLM issued a fourth letter reminding you of the current drought conditions.

On August 29, 2002, Members of my staff accompanied by your consultant and Frank Maestri toured the North Stillwater HMA to assess the forage and water conditions. All parties agreed that there was a lack of forage due to the drought and was being compounded by excessive wild horses and yearlong livestock grazing. Actions discussed were; closure of the allotments to

grazing, closure of just the HMA to grazing, an emergency wild horse gather, moving livestock off of the HMA to other parts of the allotments and complete livestock removal.

On October 07, 2002, a meeting was held at the Winnemucca Field Office to discuss management options in light of the present drought. In attendance were: Marty Landa of Pleasant Valley Ranches, Inc., Vance and Diana Vesco, Michael and Frank Maestri, Joe Dahl, and members of my staff. As a result, Pleasant Valley Ranches, Inc. and Vesco Ranch voluntarily removed their livestock.

On November 11, 2002, a tour of the North Stillwater HMA with Les Boni, Terry Reed, Everett Bartz, Nadine Paine, Mike Zielinski, Frank Maestri, Joe Dahl and congressional representation was performed. There was a reaffirmation of a general lack of forage and excess horses.

On November 22, 2002, BLM issued a fifth letter reiterating that the dry conditions have continued for several years now and that you should expect some kind of livestock management change for the 2003 grazing season.

On January 8, 2003, BLM issued you a letter regarding the proposed North Stillwater HMA wild horse gather. You were reminded that it is mandatory that all of your livestock be removed from the HMA, both prior to, during and after the wild horse gather.

On January 14 and 21, 2003 we met to further discuss the gather of wild horses, drought, closure of the HMA and suspension of AUMs.

Based upon the above information, field tours, meetings and recommendations from my staff, it is my final decision to close the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing effective immediately.

Area of Closure

Rawhide Allotment the area of closure is that portion of the North Stillwater HMA within the Rawhide Allotment. This area is the extreme southeastern corner of the allotment. This area is contained between the HMA boundary and the eastern allotment boundary (See map 1).

T 27 N, R 37 E, MDM

Section 14: NW ¼	Section 28: All
Section 15: All	Section 29: E ½, SW ¼ E ½, SW ¼ SW ¼
Section 16: S ½ S ½, SE ¼ E ½	Section 31: E ½ E ½
Section 21: All	Section 32: All
Section 22: W ½	Section 33: All
Section 27: NW ¼	Section 34: SW ¼ SW ¼

South Rochester Allotment

Beginning at the intersection of the northern allotment boundary of the South Rochester Allotment and Antelope road (this is the gravel/blacktop road through Buena Vista Valley) the area of closure is south of and east of Antelope road and extends to the HMA boundary. (See map 1)

The western extent of the closure area would be a line extending south towards Chocolate Butte from the intersection of Antelope road in T. 26N, R. 34E, Section 24. At this intersection of Antelope road begins the road that heads north towards Buffalo Springs in the western side of the Rawhide Allotment.

Then from the Chocolate Butte the boundary would extend due south to the Coal Canyon road and follow this road to the southeast and stop at the Churchill County line. The Churchill County line is the southern boundary. The extreme eastern allotment boundaries for South Rochester and Rawhide Allotments are the eastern boundaries of closure. (See map 1)

Suspension of AUMs

This area of closure in the South Rochester Allotment is 28% percent of the surface area of the allotment. Therefore, 28% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure. As for the Rawhide Allotment, this area of closure is 3% of the surface area of the allotment. Therefore 3% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure.

For the protection of the vegetation and watershed due to severe drought conditions, yearlong wild horse and livestock use, the portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments are hereby temporarily closed to livestock grazing. In addition, a suspension of AUMs will be implemented.

The following table depicts grazing authorizations that will be temporarily suspended:

South Rochester Allotment, a 28% suspension				
From:	Michael Maestri	294 C	01/01 to 10/31	1939 AUMs
	Michael Maestri	171 C	11/01 to 12/31	226 AUMs
	Pleasant Valley Ranches, Inc.	44 C	04/01 to 12/31	398 AUMs
To:	Michael Maestri	211	01/01 to 10/31	1396 AUMs
	Michael Maestri	123	11/01 to 12/31	163 AUMs
	Pleasant Valley Ranches, Inc.	32	04/01 to 12/31	286 AUMs
Rawhide Allotment, a 3% suspension				
From:	Michael Maestri	254 C	01/01 to 10/31	2132 AUMs
	Pleasant Valley Ranches, Inc.	40 C	04/01 to 12/31	362 AUMs
	Vesco Ranch	30 C	04/01 to 11/30	241 AUMs
To:	Michael Maestri	246 C	01/01 to 10/31	2068 AUMs
	Pleasant Valley Ranches, Inc.	39 C	04/01 to 12/31	351 AUMs
	Vesco Ranch	29 C	04/01 to 11/30	233 AUMs

This decision is effective immediately and will remain in effect until the following criteria have been met:

1. Total yearly vegetative production on both annuals and perennial plants must equal or exceed 254 pounds per acre. This information was based upon ecological site inventory data collected from 4 sites in 1992.
2. The key forage species all show good vigor;
3. Soils are sufficiently protected from potential erosion; and
4. Key perennial forage species reach seed maturity (seed set).

It is very important that the permittees keep their livestock off the closed portions of the HMA within the Rawhide and South Rochester Allotments. This may be done by herding, salting and/or by controlling water sources. If livestock are repeatedly observed in the closed area, further actions will be identified through discussions with the permittees.

Authorized grazing use will resume when a determination that the above listed criteria have been met. BLM will work with you and our interested publics when forage conditions are evaluated to determine the lifting of this closure.

Rational:

Severe drought conditions continue to exist within the Buena Vista Valley and more specifically the North Stillwater HMA. Indications from field observations are that impacts caused by the drought continue to persist and available forage and/or water are extremely limited. Past below normal precipitation has resulted in decreased soil moisture, decreased production of plant biomass, decreased plant vigor and has negatively impacted water sources on both allotments. Heavy use by livestock and wild horses has occurred on key forage species within the upland and riparian habitats during the 2002 growing season.

Therefore, closure of portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing is needed for the betterment of the range vegetation. As a result of the closure, a suspension of active AUMs for each permittee who operates within the closure area is needed. Both of these actions are being taken to protect the vegetative resource and allow the plant communities time to regain vigor and allow for the accumulation of stored root reserves that leads to healthier range vegetation.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, Part 4100, which states in part:

4110.3-2(a): 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(a): After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing 43 CFR 4110.3-2 shall be issued as proposed decisions pursuant to 43 CFR 4160.1 of this part, except as provided in paragraph (b) of this section.

4110.3-3 (b): 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 permittees 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.

4160.1(c): The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with 4110.3-3(b) or 4150.2(d) of this part.

4160.3(f): Notwithstanding the provisions of 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 office has made a determination in accordance with 4110.3-3(b) or 4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or Interior Board of Land Appeals to place decisions in full force and effect as provided in 4.21(a)(1) of this title.

APPEAL PROCEDURES:

Any applicant, permittee, lessee or other interested public whose interest is adversely affected by the final livestock decision may file an appeal, and may petition for stay of the decision pending final determination on appeal under Sec 43 CFR 4160.4 and 43 CFR 4.470. The appeal and petition for stay must be filed at the following address:

Les Boni
AFM Renewable Resources
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

The appeal and petition for stay must be filed within thirty (30) days following 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:

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.

The petition for stay must also be filed in the office of the authorized officer.

Sincerely,



Les W. Boni
Assistant District Manager
Renewable Resources

Enclosure North Stillwater HMA closure area map

cc:	Committee for Idaho's High Desert	7002 2030 0003 0283 6378
	Pershing County Commissioners	7002 2030 0003 0283 6385
	Pleasant Valley Ranch, Inc.	7002 2030 0003 0283 6392
	Western Watershed Project	7002 2030 0003 0283 6408
	NCPWH Cathy Barcomb	7002 2030 0003 0283 6415
	WHOA Dawn Lappin	7002 2030 0003 0283 6422
	NDOW Fallon	7002 0460 0001 5212 4093
	Joe Dahl	7002 0460 0001 5212 4222



North Stillwater HMA closure area

Map 1



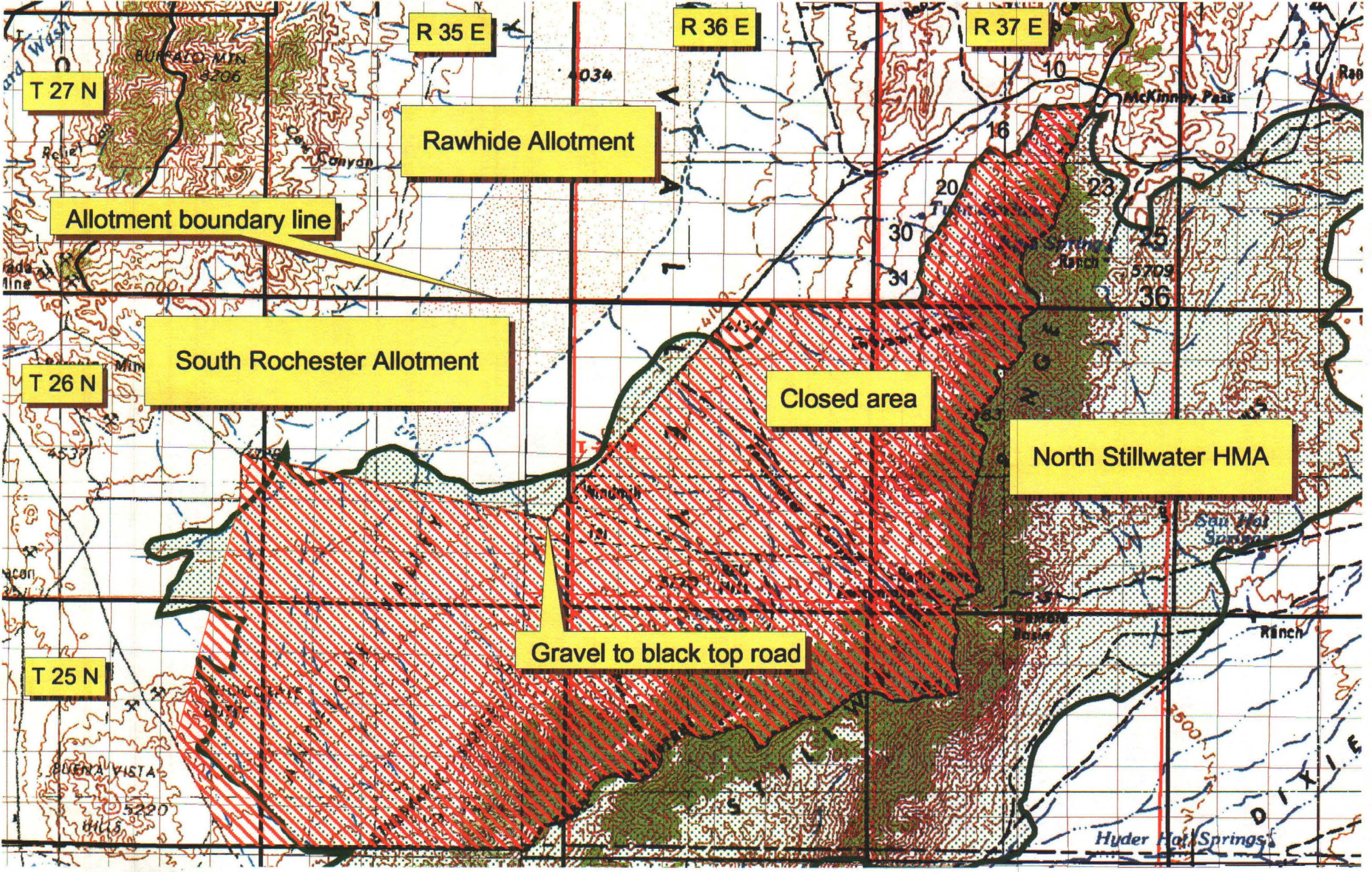
United States Department of the Interior
Bureau of Land Management
Wenemucca Field Office
5100 E. Wenemucca Blvd.
Wenemucca, NV 89445



Closed Area



North Stillwater HMA



Rawhide Allotment

Allotment boundary line

South Rochester Allotment

Closed area

North Stillwater HMA

Gravel to black top road



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>

FEB 06 2003

In Reply Refer To:
4160
(NV-022.11)

Certified Receipt Number: 7002 0460 0001 5212 4116
Return Receipt Requested

Notice Of Final Decision Effective Immediately

Michael Maestri
P.O. Box 610877
San Jose, CA 95161

Dear Mr. Maestri:

Concerns about the current drought are expressed in the following letters and has manifested itself as a need for a change of livestock and wild horse and burro management on those portions of the South Rochester and Rawhide Allotments that make up a portion of the North Stillwater Herd Management Area (HMA). (See map 1)

The North Stillwater HMA is located within the Stillwater Range and is approximately 24 miles east of Lovelock, Nevada. This HMA is made up of portions of the Boyer Ranch, Cottonwood Canyon, Copper Kettle, Dixie Valley, Jersey Valley, Pleasant Valley, Rawhide, South Buffalo and South Rochester Allotments.

On September 19, 2000, BLM issued you a letter regarding the dry climatic conditions that were occurring that fall. Also stated was that your livestock management may have to be adjusted due to the drought like conditions.

On May 23, 2001, BLM issued to you a second letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2001 grazing season.

On November 02, 2001, BLM issued a third letter reiterating that the dry conditions from the previous fall had carried through the winter and spring and that your livestock operation may have to be modified during the 2002 grazing season.

On April 17, 2002, BLM issued a fourth letter reminding you of the current drought conditions.

On August 29, 2002, Members of my staff accompanied by your consultant and Frank Maestri toured the North Stillwater HMA to assess the forage and water conditions. All parties agreed that there was a lack of forage due to the drought and was being compounded by excessive wild horses and yearlong livestock grazing. Actions discussed were; closure of the allotments to

grazing, closure of just the HMA to grazing, an emergency wild horse gather, moving livestock off of the HMA to other parts of the allotments and complete livestock removal.

On October 07, 2002, a meeting was held at the Winnemucca Field Office to discuss management options in light of the present drought. In attendance were: Marty Landa of Pleasant Valley Ranches, Inc., Vance and Diana Vesco, Michael and Frank Maestri, Joe Dahl, and members of my staff. As a result, Pleasant Valley Ranches, Inc. and Vesco Ranch voluntarily removed their livestock.

On November 11, 2002, a tour of the North Stillwater HMA with Les Boni, Terry Reed, Everett Bartz, Nadine Paine, Mike Zielinski, Frank Maestri, Joe Dahl and congressional representation was performed. There was a reaffirmation of a general lack of forage and excess horses.

On November 22, 2002, BLM issued a fifth letter reiterating that the dry conditions have continued for several years now and that you should expect some kind of livestock management change for the 2003 grazing season.

On January 8, 2003, BLM issued you a letter regarding the proposed North Stillwater HMA wild horse gather. You were reminded that it is mandatory that all of your livestock be removed from the HMA, both prior to, during and after the wild horse gather.

On January 14 and 21, 2003 we met to further discuss the gather of wild horses, drought, closure of the HMA and suspension of AUMs.

Based upon the above information, field tours, meetings and recommendations from my staff, it is my final decision to close the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing effective immediately.

Area of Closure

Rawhide Allotment the area of closure is that portion of the North Stillwater HMA within the Rawhide Allotment. This area is the extreme southeastern corner of the allotment. This area is contained between the HMA boundary and the eastern allotment boundary (See map 1).

T 27 N, R 37 E, MDM

Section 14: NW $\frac{1}{4}$

Section 28: All

Section 15: All

Section 29: E $\frac{1}{2}$, SW $\frac{1}{4}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 16: S $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ E $\frac{1}{2}$

Section 31: E $\frac{1}{2}$ E $\frac{1}{2}$

Section 21: All

Section 32: All

Section 22: W $\frac{1}{2}$

Section 33: All

Section 27: NW $\frac{1}{4}$

Section 34: SW $\frac{1}{4}$ SW $\frac{1}{4}$

South Rochester Allotment

Beginning at the intersection of the northern allotment boundary of the South Rochester Allotment and Antelope road (this is the gravel/blacktop road through Buena Vista Valley) the area of closure is south of and east of Antelope road and extends to the HMA boundary. (See map 1)

The western extent of the closure area would be a line extending south towards Chocolate Butte from the intersection of Antelope road in T. 26N, R. 34E, Section 24. At this intersection of Antelope road begins the road that heads north towards Buffalo Springs in the western side of the Rawhide Allotment.

Then from the Chocolate Butte the boundary would extend due south to the Coal Canyon road and follow this road to the southeast and stop at the Churchill County line. The Churchill County line is the southern boundary. The extreme eastern allotment boundaries for South Rochester and Rawhide Allotments are the eastern boundaries of closure. (See map 1)

Suspension of AUMs

This area of closure in the South Rochester Allotment is 28% percent of the surface area of the allotment. Therefore, 28% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure. As for the Rawhide Allotment, this area of closure is 3% of the surface area of the allotment. Therefore 3% of the active AUMs for each grazing authorization in the closure area will be suspended for the duration of the closure.

For the protection of the vegetation and watershed due to severe drought conditions, yearlong wild horse and livestock use, the portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments are hereby temporarily closed to livestock grazing. In addition, a suspension of AUMs will be implemented.

The following table depicts grazing authorizations that will be temporarily suspended:

South Rochester Allotment, a 28% suspension				
From:	Michael Maestri	294 C	01/01 to 10/31	1939 AUMs
	Michael Maestri	171 C	11/01 to 12/31	226 AUMs
	Pleasant Valley Ranches, Inc.	44 C	04/01 to 12/31	398 AUMs
To:	Michael Maestri	211	01/01 to 10/31	1396 AUMs
	Michael Maestri	123	11/01 to 12/31	163 AUMs
	Pleasant Valley Ranches, Inc.	32	04/01 to 12/31	286 AUMs
Rawhide Allotment, a 3% suspension				
From:	Michael Maestri	254 C	01/01 to 10/31	2132 AUMs
	Pleasant Valley Ranches, Inc.	40 C	04/01 to 12/31	362 AUMs
	Vesco Ranch	30 C	04/01 to 11/30	241 AUMs
To:	Michael Maestri	246 C	01/01 to 10/31	2068 AUMs
	Pleasant Valley Ranches, Inc.	39 C	04/01 to 12/31	351 AUMs
	Vesco Ranch	29 C	04/01 to 11/30	233 AUMs

This decision is effective immediately and will remain in effect until the following criteria have been met:

1. Total yearly vegetative production on both annuals and perennial plants must equal or exceed 254 pounds per acre. This information was based upon ecological site inventory data collected from 4 sites in 1992.
2. The key forage species all show good vigor;
3. Soils are sufficiently protected from potential erosion; and
4. Key perennial forage species reach seed maturity (seed set).

It is very important that the permittees keep their livestock off the closed portions of the HMA within the Rawhide and South Rochester Allotments. This may be done by herding, salting and/or by controlling water sources. If livestock are repeatedly observed in the closed area, further actions will be identified through discussions with the permittees.

Authorized grazing use will resume when a determination that the above listed criteria have been met. BLM will work with you and our interested publics when forage conditions are evaluated to determine the lifting of this closure.

Rational:

Severe drought conditions continue to exist within the Buena Vista Valley and more specifically the North Stillwater HMA. Indications from field observations are that impacts caused by the drought continue to persist and available forage and/or water are extremely limited. Past below normal precipitation has resulted in decreased soil moisture, decreased production of plant biomass, decreased plant vigor and has negatively impacted water sources on both allotments. Heavy use by livestock and wild horses has occurred on key forage species within the upland and riparian habitats during the 2002 growing season.

Therefore, closure of portions of the North Stillwater HMA within the South Rochester and Rawhide Allotments to livestock grazing is needed for the betterment of the range vegetation. As a result of the closure, a suspension of active AUMs for each permittee who operates within the closure area is needed. Both of these actions are being taken to protect the vegetative resource and allow the plant communities time to regain vigor and allow for the accumulation of stored root reserves that leads to healthier range vegetation.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, Part 4100, which states in part:

4110.3-2(a): 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(a): After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing 43 CFR 4110.3-2 shall be issued as proposed decisions pursuant to 43 CFR 4160.1 of this part, except as provided in paragraph (b) of this section.

4110.3-3 (b): 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 permittees 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.

4160.1(c): The authorized officer may elect not to issue a proposed decision prior to a final decision where the authorized officer has made a determination in accordance with 4110.3-3(b) or 4150.2(d) of this part.

4160.3(f): Notwithstanding the provisions of 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 office has made a determination in accordance with 4110.3-3(b) or 4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or Interior Board of Land Appeals to place decisions in full force and effect as provided in 4.21(a)(1) of this title.

APPEAL PROCEDURES:

Any applicant, permittee, lessee or other interested public whose interest is adversely affected by the final livestock decision may file an appeal, and may petition for stay of the decision pending final determination on appeal under Sec 43 CFR 4160.4 and 43 CFR 4.470. The appeal and petition for stay must be filed at the following address:

Les Boni
AFM Renewable Resources
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

The appeal and petition for stay must be filed within thirty (30) days following 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:

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.

The petition for stay must also be filed in the office of the authorized officer.

Sincerely,



Les W. Boni
Assistant District Manager
Renewable Resources

Enclosure North Stillwater HMA closure area map

cc:	Committee for Idaho's High Desert	7002 2030 0003 0283 6378
	Pershing County Commissioners	7002 2030 0003 0283 6385
	Pleasant Valley Ranch, Inc.	7002 2030 0003 0283 6392
	Western Watershed Project	7002 2030 0003 0283 6408
	NCPWH Cathy Barcomb	7002 2030 0003 0283 6415
	WHOA Dawn Lappin	7002 2030 0003 0283 6422
	NDOW Fallon	7002 0460 0001 5212 4093
	Joe Dahl	7002 0460 0001 5212 4222



North Stillwater HMA closure area

Map 1



United States Department of the Interior
Bureau of Land Management
Wenemucca Field Office
5100 E. Wenemucca Blvd.
Wenemucca, NV 89445



Closed Area



North Stillwater HMA

5 0 5 10 Miles

