

2 11/20/97



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Winnemucca District Office  
5100 East Winnemucca Boulevard  
Winnemucca, Nevada 89445  
702-623-1500

In Reply Refer To:  
(NV-241.3)  
4160.3(f)

NOV 20 1997

CERTIFIED MAIL NO. Z374101444  
RETURN RECEIPT REQUESTED

Dawn Lappin  
WHOA  
P.O. Box 555  
Reno, NV 89505

Dear Interested Public:

Enclosed are copies of Notice of Closure(s) and Final Decision(s) involving allotments that were impacted by wildfires this past summer/fall.

This is in accordance with the Code of Federal Regulations 43 CFR 4110.3-3(b).

If you wish to appeal a closure and/or decision, please be very specific as to the closure/decision you are appealing. Those procedures are outlined in the Final Decision.

If you have any questions, feel free to contact the rangeland management specialists on my staff.

Sincerely yours,

Colin P. Christensen  
ADM, Renewable Resources

Enclosures



## United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Winnemucca Field Office  
5100 East Winnemucca Boulevard  
Winnemucca, Nevada 89445  
702-623-1500

NOV 20 1997

In Reply Refer To:  
(NV-22.18)  
4110.3-3(b)

### NOTICE OF CLOSURE TO LIVESTOCK GRAZING

For protection of the soil and vegetation, due to fire, 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 Humboldt County:

Bullhead Allotment -	burned portions of the Rabbit and Dry Hills pastures
Crowley Creek Allotment-	burned portion of the Lower Trout pasture
Jordan Meadows Allotment-	Salient Peak pasture
Andorno Allotment -	Peterman and Austin Fields
Pueblo Mountain Allotment -	Alberson Basin Pasture

(Maps of the fires can be viewed at the Winnemucca District Office)

Livestock use may be authorized in those allotments where portions of a burned pasture are fenced to exclude livestock. This Notice of Closure is to remain in effect for two (2) growing seasons or until the rehabilitation objectives have been met. Upon determination that the rehabilitation objectives have been met, authorized grazing use may resume.

The Winnemucca District will monitor the recovery of the burned area to determine if objectives of the closure are being achieved.

This notice is to inform you that any livestock grazing upon public land or other 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.

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.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Colin P. Christensen".

Colin P. Christensen  
ADM, Renewable Resources



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Winnemucca, Nevada 89445

702-623-1500

NOV 20 1997

In Reply Refer To:

(NV-22.18)

4160.3(f)

CERTIFIED MAIL NO. Z374101450

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 Assistant District Manager, Renewable Resources, the burned portions of the Dry Hills and Rabbit pastures are closed to all livestock grazing for two (2) growing seasons or until the rehabilitation objectives have been met.

Those portions of the Dry Hills pasture closed for grazing are located in:

T.40N., R.43E., Sec. 17, 18, 19, 20

In accordance with the Final Decision dated October 9, 1996, the entire Dry Hills pasture was closed for two growing seasons or until rehabilitation objectives are met. Thus, the above mentioned legal description will be closed until 2000 or until the rehabilitation objectives have been met.

Those portions of the Rabbit pasture closed for grazing are located in:

T.38N., R.43E., Sec. 6, 7, 8, 17, 18

T.38N., R.42E., Sec. 12

Preburn management practices will resume when a minimum of two growing seasons of rest have been provided for native species. Seedlings 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 ground cover for the ecological site after 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.

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. These areas, if left to natural rehabilitation, will be invaded by less desirable annual plant species. Areas that are dominated by annual species have a high potential hazard for recurring wildfires and the competition of annuals reduces the chance of perennial species establishing.

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.

The permittee must keep the livestock out of the burned portions of Rabbit pasture by herding. If livestock are observed in the burn, the permittee will be notified to remove the livestock from the burn. If livestock are continually observed within the burn, the livestock will be removed from this pasture and the AUM's identified for this pasture will be suspended until the rehabilitation objectives are met. The AUM's suspended will be 1047 AUM's for the Rabbit pasture.

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 Colin P. Christensen, ADM Renewable Resources, Bureau of Land Management, Winnemucca District, 5100 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  
ADM, Renewable Resources

cc NDOW - Winnemucca  
NDOW - Fallon  
RCI  
NRDC  
Sierra Club  
Craig Downer  
USFWS  
Humboldt County Commissioners  
Nevada Cattlemen's Assoc.  
Nevada Farm Bureau Federation  
WHOA  
CPWH  
IRC