



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-22.13)

September 22, 2000

CERTIFIED MAIL NO. 7099 3400 0014 2804 9084
RETURN RECEIPT REQUESTED

Notice of Final Decision

Roy Schurtz
Happy Creek, Inc.
PO Box 2148
Elko, NV 89803

Dear Mr. Schurtz:

In accordance with the Notice of Closure signed by the AFM, Renewable Resources, the burned portions of **Happy Creek Allotment** are closed to all livestock for two (2) growing seasons or until the rehabilitation objectives have been met.

Preburn management practices will resume when a minimum of two growing seasons of rest have been provided for native species. Seedlings will 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 Field Office will monitor the recovery of the burned area to see if the objectives of the closure are being achieved.

Once the burned portion/pasture is 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. 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.

For the closure period, 600 AUMs are suspended on Happy Creek Allotment.

You are responsible for ensuring that your livestock do not use the burned areas. In the event that livestock use occurs in burned areas, further action will be considered to protect those areas. Fencing has proposed to facilitate keeping livestock out of the burned areas.

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 Colin P. Christensen, AFM Renewable Resources, Bureau of Land Management, Winnemucca Field Office, 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
AFM, Renewable Resources