

East Range/Tobin Run Hwy L 10/11/01



United States Department of the Interior

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

In Reply Refer To:
(NV-22.15)
4160.3(f)

October 11, 2001

CERTIFIED MAIL NO. 7000 1670 0007 8535 7848
RETURN RECEIPT REQUESTED

Notice of Final Decision

M. J. Burke
P.O. Box 823
Winnemucca, NV. 89445

Dear Mr. Burke:

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

Preburn management practices will resume when a minimum of two growing seasons of rest have been provided for native species. Seedings would also be protected from livestock grazing for a minimum of two growing seasons.

The emergency closure will be lifted when the vegetative cover meets or exceeds 50% of the minimum potential perennial ground cover for the ecological site after a minimum of two growing seasons. The Winnemucca District will monitor the recovery of the burned area to see if the objectives of the closure are being achieved. If the fire rehabilitation criteria for the new seedings is not met, an additional growing season rest may occur.

Once the burned portions and/or pastures are open to authorized livestock grazing, a 50% utilization objective, for the seeded species, will be in affect.

The emergency closure will provide rest for surviving perennial species to regain vigor and will provide seedling establishment of native species. The rest will also benefit the native species by allowing sufficient time for germination of seed, development of adequate seedling root growth to prevent uprooting by grazing animals, and by allowing perennial seedlings to develop good vigor and produce viable seed.

Areas to be seeded lack perennial species for natural revegetation. The burn area will not successfully reestablish to a native perennial plant community in a reasonable time frame of two or three growing seasons without seeding. These areas, if left to natural rehabilitation, could be invaded by less desirable annual plant species. Areas that are dominated by annual species have a high potential hazard for recurring wildfire and the competition of annuals reduces the chance of perennial species establishing.

Due to the impacts of the fires and proposed seeding and natural recovery, a total of 137 AUMs are suspended in the Goldbanks Allotment. The burned portions of the allotment are closed to livestock grazing. Since Goldbanks is a common use allotment with multiple permittees the following tables indicate the amount of AUMs suspended per individual based upon their percentages of the total AUMs of Permitted Use.

GOLDBANKS ALLOTMENT

PERMITTEE	ALLOTMENT	AUMs SUSPENDED
Agri-Beef	Goldbanks	126
Burke	Goldbanks	11

The permittees must keep livestock out of the burned portions of the Goldbanks Allotment by herding.

We will be soliciting your participation in the selection of key areas and key species which will be the basis for the re-opening of the closed portion(s) of the allotment.

This final decision is effective upon receipt in accordance with 43 CFR 4110.3-3(b) and 4160.3(f) for the protection of the soil and vegetation due to fire.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by this final decision may file an appeal and petition for stay of the decision pending final determination of the appeal under Sec. 43 CFR §4160.4 and §4.470. Appeals and petitions for a stay of the decision shall be filed in person or in writing to Pete Christensen, AFM Renewable Resources, Bureau of Land Management, Winnemucca District, 5001 E. Winnemucca Blvd., Winnemucca, NV 89445, within 30 days after receipt of the final decision.

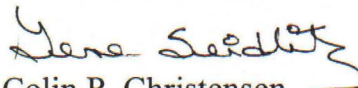
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of immediate and irreparable harm if the stay is not granted.
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer.

Sincerely yours,



FOR Colin P. Christensen
Assistant Field Manager
Renewable Resources

cc	NDOW - Winnemucca	7000 1670 0007 8535 7169
	NDOW - Fallon	7000 1670 0007 8535 7350
	RCI	7000 1670 0007 8535 7206
	Pershing County Commissioners	7000 1670 0007 8535 7152
	Nevada Cattlemen's Assoc.	7000 1670 0007 8535 7145
	STATE OF NV ADMIN.	7000 1670 0007 8535 7190
	Sierra Club	7000 1670 0007 8535 7213
	Nevada Woolgrower's Assoc.	7000 1670 0007 8535 7183
	Michael Maestri	7000 1670 0007 8535 7367
	Frank Maestri	7000 1670 0007 8535 7343
	Katie Fite	7000 1670 0007 8535 7374
	John Phillips	7000 1670 0007 8535 3550
	Robert Rebholtz	7000 1670 0007 8535 7619