

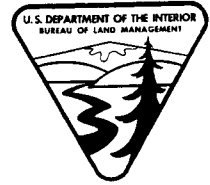


United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Eagle Lake Field Office
2950 Riverside Drive
Susanville, California 96130

9-20-99



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OFFICE OF THE DIRECTOR

September 20, 1999

Dawn Lappin
Wild Horse Organized Assistance
P. O. Box 555
Reno, NV 89504

Certified Mail P 914 142 605
Return Receipt Requested

John Espil Sheep Company, Inc.
C/o John Espil
Drawer N
Susanville, CA 96130

Certified Mail P 914 142 607
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Roberts Ranches LLC
c/o Barbel or Scott Roberts
801 "A" Street
San Rafael, CA 94901

Certified Mail P 914 142 608
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Roberts Ranches LLC
c/o Marvin Hinkley
P. O. Box 270
Standish, CA 96128

Certified Mail P 914 142 609
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Patrick D. Fitzgerald
4207 Cliff Drive
Stockton, CA 95204

Certified Mail P 914 142 610
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Frosty Acres
c/o Dale Albaugh
P. O. Box 142
Adin, CA 96006

Certified Mail P 914 142 611
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Commission for Preservation-Wild Horses
ATTN: Kathy Barcomb
123 W. Nye Lane, Suite 248
Carson City, NV 89708-0818

Certified Mail P 914 142 612
Return Receipt Requested

NOTICE OF FINAL DECISION BUCKHORN COMPLEX FIRES EMERGENCY FIRE REHABILITATION PLAN/ENVIRONMENTAL ASSESSMENT

Enclosed is a copy of the Emergency Fire Rehabilitation Plan/Environmental Assessment (EA) for the

Buckhorn Complex Fires. We will be following a course of temporary closure of the burned areas to livestock grazing, and wild horse use combined with repair of 1/3 mile of dozer line, and two stream crossings to rehabilitate the Rave, Buckhorn, Observation, and Pine Fires of the Buckhorn Complex. My final decision is discussed in detail including Background, Criteria For Wildfire Recovery, and Recovery Evaluation on pages 20 - 23 in the enclosed Plan/EA.

Livestock Management Decision:

In accordance with 43 CFR 4110.3-3(b) which states in part: "When soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as ... fire ..., the authorized officer shall close allotments or portions of allotments to grazing... ." I have determined that the burned area within the public lands portion of the Observation Allotment requires immediate protection from grazing use.

Therefore, to allow for post-fire vegetation and soil recovery to occur without the pressure of livestock grazing, I am temporarily closing that portion of the North Pasture of the Observation Allotment south of the Marr/Buckhorn Road to grazing. Because the burned area represents approximately 3 percent of the public land available for grazing within this allotment, and because, with cooperation, there should be no need for special fencing to protect the burn this closure will allow for the needed fire recovery and continued grazing within the Observation Allotment.

Effective upon issuance of this decision that portion of the North Pasture within the Observation Allotment south of Marr/Buckhorn Road is closed to cattle grazing use. Trailing of sheep is allowed only in the unburned portion of the North Pasture. This closure shall remain in effect until September 16, 2002, or until the Criteria for Wildfire Recovery, listed previously in this Decision, have been met (whichever comes later).

Wild Horse Management Decision:

In accordance with 43 CFR 4700.0-6(a) which states: "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitats", and 43 CFR 4720.1 which states, in part: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized shall remove the excess animals immediately... ." I have determined that the wild horses found in and moving into and out of the burned area within the public lands portion of the Twin Peaks Herd Management Area, North Observation Home Range are excess to the needs for fire recovery, and are limiting the recoverable productive capacity of their habitat.

Therefore, to allow for post-fire vegetation and soil recovery to occur without the pressure of wild horse use, I am removing and relocating wild horses from that portion of the North Observation Home Range of the Twin Peaks HMA south of Marr/Buckhorn Road and closing it to wild horse use. Wild horses relocated from the burn will be released into that portion of the North Observation Home Range north of Buckhorn Road and temporarily into the South Observation Home Range. Wild horses temporarily relocated into South Observation Home Range will be

identified with a freeze brand of "lazy 2" on the left hip. Following the next gather in South Observation Home Range the horses will be returned to the North Observation Home Range or, when the recovery criteria and objective are met, which ever comes later. These actions will allow for the needed fire recovery and continued wild horse use within the Twin Peaks HMA.

Effective upon issuance of this decision wild horses will be removed and relocated from that portion of the North Observation Home Range within the Twin Peaks HMA south of Marr/Buckhorn Road. This area will remain closed to wild horse use. This closure shall remain in effect until September 16, 2002, or until the Criteria for Wildfire Recovery, listed previously in this Decision, have been met (whichever comes later).

Appeal Rights

Livestock:

Under 43 CFR 4.470, 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 on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final following the instructions provided on the attached Form 1842-1 *Information on Taking Appeals to the Board of Appeals*. The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error. Should the appellant wish to file a petition for stay, it must 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.

Wild Horses and Burros:

In accordance with 43 CFR 4770.3(a) "Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4." The attached Form 1842-1 *Information on Taking Appeals to the Board of Appeals* must be followed in filing appeals.

If you have any questions concerning this decision or the Plan/EA please contact Steve Surian or Don Armentrout of my staff at (530) 257-0456.

Sincerely,


Linda D. Hansen, Field Manager
Eagle Lake Field Office

Enclosure