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2000 JAN 32 PM 1:16

Elko Field Office
3900 E. Idaho Street
Elko, Nevada 89801

In Reply Refer To:
4130 (NV-012)

CERTIFIED MAIL: P 213 904 406
Return Receipt Requested

JAN 27 2000

H & R Livestock
c/o Kay Richins
P.O. Box 302
Henefer, UT 84033

DECISION

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:
:

NOTICE OF CLOSURE TO LIVESTOCK GRAZING LEPPY HILLS ALLOTMENT

On July 17, 1999, a lightning caused wildfire started what became the Pilot Fire. The fire burned 3,200 acres in the Leppy Hills Allotment (refer to the attached map). H&R Livestock is the sole livestock permittee on the Leppy Hills Allotment.

The lower portion of the burn had a heavy cover of cheatgrass prior to the fire. Cheatgrass is an annual grass that tends to suppress establishment of native perennial grasses. Observations following the burn showed there was a matt of cheatgrass litter remaining on the lower portion of the burn indicating there was still a reserve of cheatgrass seed in this part of the burn. Since there was still a reserve of cheatgrass seed that could readily germinate and compete with seedlings of perennial plants the next spring, the Elko Field Office decided not to add perennial plant seed to the lower portion of the burn because there was a low probability of the perennial plant seedlings surviving in a dense stand of cheatgrass.

The upper portion of the burn had more perennial grasses and less cheatgrass compared to the lower portion of the burn; however, the upper burn did not have a sufficient number of perennial grasses to prevent cheatgrass from invading the upper part following the fire. Therefore, the Elko Field Office will be aerially applying perennial plant seed to selected areas in the upper burn area to help curtail development of dense stands of cheatgrass and facilitate reestablishment of native plants.

In accordance with the grazing regulations, a consultation letter was sent to the permittee and interested public on January 10, 2000, explaining the effects of the Pilot Fire and fire rehabilitation plans including post burn grazing management. No comments were received.

Therefore, it is my **decision** to :

1. Close the area burned in the the Pilot Fire to livestock grazing until November 1, 2001, except as described in the paragraph below. From November 1, 2001 to April 30, 2003 the burned area will only be grazed during the dormant season (Nov. 1 to March 1), except as described in the paragraph below.

Beginning in 2000, annual grazing will continue to be authorized in the lower portion of the burned area from March 1 to April 30, to help control cheatgrass invasion (see attached map). The lower portion of the burned area will not be aerially seeded.

Any unauthorized livestock grazing the burn area during the closure period are in violation of 43 CFR 4140.1(b)(1) and may be impounded. The unauthorized livestock may be impounded at any time after the effective date of the closure.

Monitoring study sites will be selected within the burned area to monitor the reestablishment of perennial species. The burned area will be monitored for progress toward successful recovery and establishment of perennial vegetation in both seeded and unseeded areas.

Successful restoration of perennial herbaceous species will be assessed by comparing the production at the selected monitoring study area with the production of herbaceous perennial species on nearby unburned rangeland. **The minimum criteria for opening the burn to livestock grazing in addition to the mandatory closure would be that production of perennial herbaceous species equals or exceeds production on nearby unburned range within the same range site.** If the burned areas minimum criteria is not met, the burned area will be closed for a maximum of 3 years.

2. Reduce the permitted use on the Leppy Hills Allotment by 260 AUMs. These AUMs will be placed in suspension for protection purposes for the duration of the closure. The temporary reduction will have the following affect on the H&R Livestock's permitted use:

From: 3,807 AUMs

To : 3,547 AUMs

Rationale:

In order to successfully reestablish perennial vegetation, restore plant vigor and seed production, minimize active soil erosion and minimize the post fire occurrence of downy brome or cheatgrass, it is necessary that the burned area in the Leppy Hills Allotment be rested from livestock grazing.

As a result of this closure, 260 AUMs will be placed in suspension. This reduction is reflective of the AUMs allocated to the burned area that is suitable for use by livestock. The reduction will be temporary, however it will remain in effect until the conditions outlined above are achieved.

Enclosed is a map of the closed burned area. This closure will continue in effect until conditions outlined in this Decision are met. This closure is issued as a final decision, in full force and effect pursuant to Title 43, Code of Federal Regulations (CFR) Subparts 4110.3-2(a), 4110.3-3(b), 4160.3(f), and 4150.4.

Any applicant, permittee or other person whose interest is adversely affected by this decision may file an appeal and petition for stay of the decision pending final determination on appeal under 43 CFR 4160.3 and 4160.4. The appeal and petition for stay must be filed in the office of the authorized officer in writing to Clinton R. Oke, Assistant Field Manager, Renewable Resources, 3900 E. Idaho Street, Elko, Nevada, 89801, within 30 days following receipt of this decision.

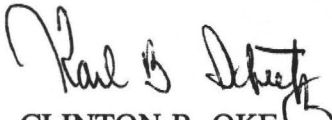
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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.

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

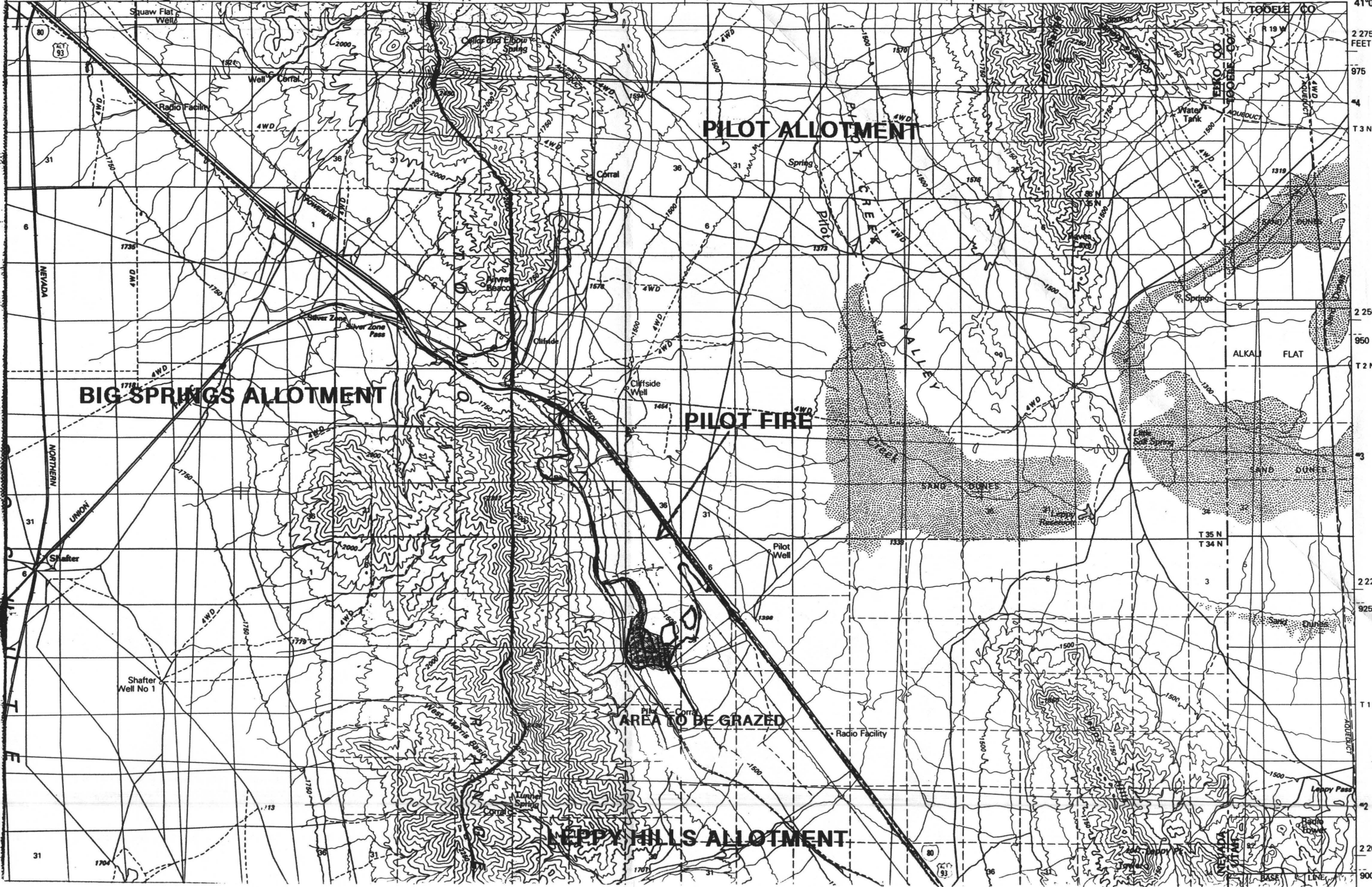
Sincerely yours,


CLINTON R. OKE
for Assistant Field Manager
Renewable Resources

Enclosure(s): As stated above

cc: Nevada Division of Wildlife (P 213 904 407)
Nevada Cattlemen's Association (P 213 904 408)
U.S. Fish and Wildlife Service (P 213 904 409)
Resource Concepts Inc. (P 213 904 410)
Elko Board of County Commissioners (P 213 904 411)
Nevada Division of Environmental Protection (P 213 904 412)
Paul Bottari (P 213 904 413)
Commission for the Preservation of Wild Horses (P 213 904 414)

Wild Horse Organized Assistance (P 213 904 415)
Natural Resource Conservation Service (P 213 904 416)
HTT Resource Advisors (P 213 904 417)
First National Bank in Evanston (P 213 904 418)



BIG SPRINGS ALLOTMENT

PILOT ALLOTMENT

PILOT FIRE

AREA TO BE GRAZED

NEPPY HILLS ALLOTMENT