



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely Field Station
HC 33 Box 33500
Ely, Nevada 89301-9408
<http://www.nv.blm.gov>

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In Reply Refer To:
4110
Permittee Case File
(NV-045.09)

Certified Return Receipt No. 7099 3400 0004 7938 9675

Ken Newby, Newby Cattle Co.
517 Belmont Drive
St. George, UT 84790

AUG. 29 2000

Dear Mr. Newby:

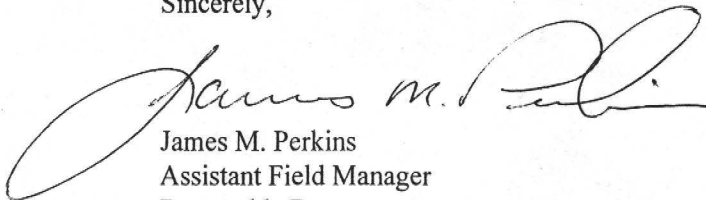
The Ely Field Office has conducted a drought assessment on the Garden Springs and White Rock allotments. The effects of this year's drought were observed particularly in the Stratton Pasture of Garden Springs, the Blue Garden Burn area, and the upper end of the White Rock Allotment (see attached map). In addition, the Ely BLM is planning a gather of the wild horses in the area to further alleviate the grazing pressure to drought stressed plants. The closure is effective immediately.

Enclosed, please find the Notice of Closure Agreement. Please review it, sign, date and return it to Shirley Christman-Johnson within 5 days of receipt. I will sign and return your copy to you. The closure is by agreement. The alternative to a signed agreement is a full force and effect decision. This is an alternative method of achieving the same objectives. If you dispute the need to close the allotment, please contact either Alan Shepherd or Shirley Christman-Johnson at (775) 726-8100. Without a signed agreement, a full force and effect decision will be issued.

A grazing application is enclosed as well for your convenience. Please complete it and return it to Shirley if you plan to license fewer livestock than shown on your January application.

Thank you for your continued cooperation.

Sincerely,



James M. Perkins
Assistant Field Manager
Renewable Resources

Enclosures:
Notice of Closure Agreement



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office

HC 33 Box 33500

Ely, NV 89301-9408

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Newby Cattle Co.

Grazing Case Files

Garden Springs File

White Rock File

(NV-045.09)

AUG. 29 2000

Notice of Closure Agreement

Severe drought conditions exist within the **Garden Springs and White Rock Allotments**. The allotments were recently visited to evaluate drought conditions. Field observations indicate that available forage and water availability is limited and that severe drought conditions exist. Precipitation for the normal growing season of April, May, and June is 50% of normal. The below normal precipitation has resulted in decreased soil moisture and water availability, decreased plant vigor and growth while some locations have little or no current year's growth. The areas affected by this closure include the Stratton Pasture of the Garden Springs Allotment, and the Blue Garden Burn. See attached map for more detailed description of the closure area. Grazing may occur in other areas of the allotments until use limits have been met. Grazing deferment may be instituted in other areas to allow key perennial grasses beginning their greenup phase to go into dormancy. The allotments are managed within the Blue Nose Peak Wild Horse Herd Management Area (HMA), and the Mormon Mountains HMA.

Therefore, for the protection of the vegetation and watershed due to severe drought conditions, the **Garden Spring Allotment and White Rock Allotment** are hereby temporarily closed to livestock grazing. This Notice of Closure is effective immediately.

The closure will be in effect until the following criteria have been met:

1. Vegetative growth occurs and can sufficiently support livestock grazing; *and*
2. The key forage species all show good vigor; *and*
3. Soils are sufficiently protected from potential erosion; *and*
4. Key perennial forage species reach seed maturity (seed set).

Upon determination that the perennial vegetation has been re-established, authorized grazing use will resume. We will ask for the permittee's participation when evaluating forage conditions associated with lifting this closure. This closure is issued as an agreement pursuant to Title 43 Code of Federal Regulations, Section 4110.3-3 (b).

This Notice is to inform you that any unauthorized livestock grazing upon public lands within the **Garden Spring Allotment and White Rock Allotment** (Legal description: T. 8 S., R. 68 and 69 E., and T. 9 S., R. 68 and 69 E., and T. 10 S., R. 69 E under Bureau of Land Management's control will be 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 the 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.

Ken Newby, Newby Cattle Co.

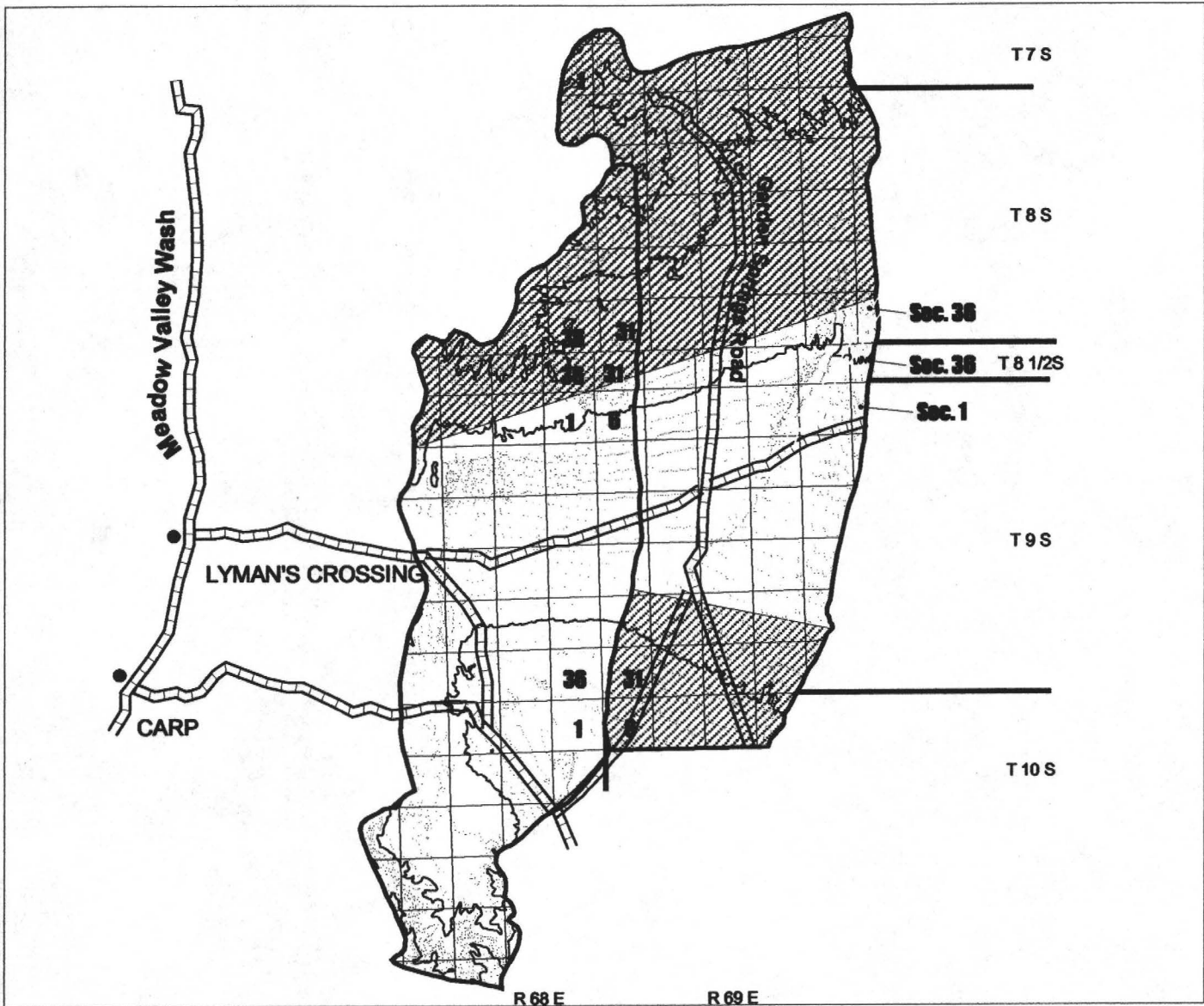
Date

Assistant Field Manager,
Renewable Resources

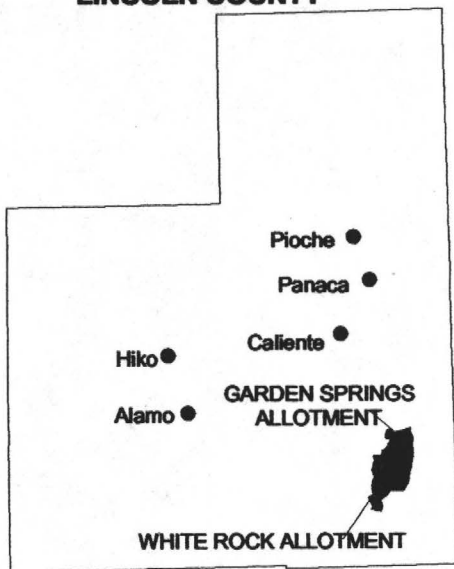
Date




Garden Springs and White Rock Allotments

August 29, 2000



LINCOLN COUNTY



-  **Roads**
-  **Allotment Boundary**
-  **Closure Area**

