

4/20/01
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United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-0611
<http://www.nv.blm.gov>

In Reply Refer To:
4130 (NV-012)
APR 20 2001

CERTIFIED MAIL NO. 7000-0520-0020-5845-1993
RETURN RECEIPT REQUESTED

DECISION

Hammond Ranches, Inc./Oro Vaca, Inc. :
c/o Roy Shurtz :
P.O. Box 2148 :
Elko, NV 89803 :

NOTICE OF CLOSURE AND CHANGES IN AUTHORIZED LIVESTOCK USE FOR THE LITTLE HUMBOLDT, TALL CORRAL, AND JAKES CREEK ALLOTMENTS

During the 2000 wild fire season, the Kelly Creek Fire burned approximately 33,716 acres of public and private land within the Little Humboldt, Tall Corral, Jakes Creek, and Bullhead Allotments. The Bullhead Allotment is administered by the Winnemucca Field Office of the BLM and is not affected by this decision. To ensure proper recovery of the burned area and protect the seedings which were completed or will be completed this coming fall, it is necessary that all of the burned areas within the Jakes Creek, Little Humboldt, and Tall Corral Allotments be rested from livestock grazing during the peak growing period for one to three years.

See the attached Map 1 for location of the Kelly Creek fire, allotments, pastures, and proposed fence locations.

Completed and Planned Rehabilitation for the Kelly Creek Fire within the Jakes Creek, Tall Corral, and Little Humboldt Allotments

1. Drill seed approximately 2,337 acres with Nordan and Hycrest crested wheatgrass, Siberian wheatgrass and Russian wildrye. (primarily Kelly Creek Seeding South and a portion of Kelly Creek Seeding North)
2. Spring disk and fall drill seed approximately 2,400 acres with Nordan and Hycrest crested wheatgrass, Siberian wheatgrass and Russian wildrye. (Kelly Creek Seeding North)
3. Aerially overseed the Kelly Creek Seeding North and South (approximately 4,844 acres) with forage kochia and Western yarrow. (This overseeding will be done in two parts following completion of a portion of the drill seeding in the spring and the remainder of the drill seeding in the fall of 2001.)

4. Aerially seed approximately 4,465 acres with forage kochia, Wyoming big sagebrush, and Western yarrow to improve sage grouse habitat. (Knolls Sage Grouse Aerial Seeding)
5. Aerially seed 1,740 acres with Secar Snake River wheatgrass and Western yarrow in critical big horn sheep habitat. (Bighorn Sheep Aerial Seeding)
6. Aerially seed approximately 2,356 acres with Basin big sagebrush, Secar Snake River wheatgrass, Ladak alfalfa, Appar Lewis flax, and Western yarrow. (Wildlife Aerial Seeding)
7. Re-seed 300 acres of dozer lines.
8. Construct approximately 21.49 miles of new fence to protect the burned area from livestock grazing during the fire closure.

See Map 2 for the location of the proposed and/or completed seedings.

A consultation letter was sent to you as well as the interested public on April 9, 2001 outlining the proposed and completed rehabilitation efforts and describing closure of the burned areas/pastures to livestock grazing during rehabilitation along with criteria related to opening the closed areas to livestock grazing and associated changes in livestock management. This letter also stated that any comments pertaining to this rehabilitation and closure must be received by this office no later than April 16, 2001. Comments were received from you via fax on April 16, 2001. No other comments were received.

After careful consideration of your comments, it is my decision to:

1. Close to livestock grazing the Jakes Creek, Kelly Creek North, and Kelly Creek South Pastures within the Jakes Creek, Tall Corral, and Little Humboldt Allotments which were burned in the Kelly Creek Fire as shown on the attached map. This closure is effective immediately and will remain in effect until the establishment criteria are met or no longer than August 31, 2003 for the Kelly Creek South Pasture and the Jakes Creek Pasture and no longer than August 31, 2004 for the Kelly Creek North Pasture.
2. Hammond Ranches, Inc./Oro Vaca, Inc. permitted active use for the Jakes Creek, Tall Corral, and Little Humboldt Allotments will be reduced 1,571 AUMs associated with the Kelly Creek Fire. These AUMs will be placed in suspension during the closure. Livestock will be authorized within the Jakes Creek, Little Humboldt, and Tall Corral Allotments during the periods of use and at levels of authorized use as outlined below. However, additional AUMs may be available from non-use by other permittees within the Jakes Creek Allotment. These non-use AUMs may be permitted to Hammond/Oro Vaca in addition to the AUMs outlined below.

Livestock Non-Use or Suspended Use and Active Permitted Use by Pasture and Allotment for Hammond Ranches, Inc./Oro Vaca Inc.

Allotment/ Pasture	Kind Livestock	Periods of Use	Non-use or Suspended AUMs	Active Permitted Use
Jakes Creek Allotment				
Flat	Cattle & Horses	3/1-11/15	0	263
FFR	Cattle & Horses	4/1-2/28	0	50
Kelly Sdg North		Fire rehab closure	17	0-17 ¹
Kelly Sdg South		Fire rehab closure	83	0-83 ¹
Tall Corral/Little Humboldt Allotment				
Divide	Cattle	4/16-1/31	0	
1993 EFR	Cattle	4/16-1/31	0	
Spring Ck	Cattle	4/16-1/31	0	
Rim	Cattle	4/16-1/31	0	
Castle Ridge	Cattle	4/16-1/31	0	
Basin	Cattle	Described in separate Decision ²		6,267 ²
Sawtooth Spring/Oust	Cattle	Trailing; also see Decision on 1999 Clover Fire Closure ³	384	0-384 ³
Jakes Ck Pasture	Cattle	Fire rehab closure	1,342	0-1,342 ¹
Kelly Sdg North	Cattle	Fire rehab closure	129	0-129 ¹
<p>¹ See criteria for opening to livestock use.</p> <p>² Authorized livestock use in the Basin Pasture(s) is covered under a separate decision. See Decision effective upon issuance dated April 5, 2001.</p> <p>³ Periods of closure and AUMs suspended in the Sawtooth Spring/Oust Pasture are included in a Decision/Notice of Closure for the Little Humboldt Allotment dated December 10, 1999. See criteria for opening to livestock use in Decision dated 12/10/99.</p>				

3. There will be two growing seasons rest for the Kelly Creek Seeding South Pasture (from spring turn-out, 2001 to August 31, 2002). The Kelly Creek Seeding North Pasture will be rested for a total of three growing seasons (from spring turn-out, 2001 to August 31, 2003) to provide at least two growing seasons of rest for both the Knolls Aerial Sage grouse seeding and the Kelly Creek drill seeding. The two growing seasons of rest are necessary to allow seedling establishment; however, fall/winter grazing after the first growing season (i.e. September 1, 2001 or 2002, respectively) may be authorized if seedling and mature herbaceous and half-shrub and/or shrub plants meet the density objective, and grazing use will be compatible with meeting the rehabilitation objectives. The August 31 date is tied to phenology of kochia and will allow established kochia plants to set seed.

If the seedling and mature kochia and grass plants density objective has not been met after two growing seasons, then one additional growing season of deferment may be required, but if an additional growing season of deferment is required, dormant season use (approximately September 1 through March 31) may be authorized.

During the dormant season, soil will be firm or frozen. At this time seedlings will either be too small to be selected by cattle or if large enough to be selected, the seedlings are unlikely to be pulled out of the soil due to the firm or frozen ground. Dormant use has little effect on seedling growth and survival the next growing season.

Rehabilitation objectives for the Kelly Creek Seeding Pasture are:

A. Kelly Creek Seedings (approximately 4,844 acres)

Herbaceous species: Density of 3-5 firmly rooted perennial grasses of the seeded or native species per square meter. The density objective will apply to both native and seeded species since the existing perennial species may act to out-compete the seeded species.

However, Hammond/Oro Vaca is concerned that 3-5 perennial grasses may exceed the ecological capability of the site. Therefore, the BLM and Hammond/Oro Vaca will review the BLM's seeding density studies on other sites of the same ecological potential to determine the attainability of this density level. If it is shown to be unlikely to attain such density in the same ecological sites, this density objective will be adjusted downward to an appropriate level.

Half-shrubs (forage kochia): Density of one firmly rooted half-shrub (kochia) per square meter. However, some of this area was dominated by shadscale (*Atriplex confertifolia*) before the burn, and experience shows that shadscale may or may not reoccupy such sites after fire. Therefore, if shadscale sprouts in 2001 and/or 2002, the objective will also include shadscale.

BLM and Hammond/Oro Vaca recognize that due to the small seed size and lack of persistence in the soil seedbank from year to year of forage kochia, if the objective of one

firmly rooted plant per square meter is not met in the first year it may not be met in the second year. Likewise, if shadscale does not sprout in the first year it will not likely re-occupy the site and the objective for shrubs and/or half-shrubs may not be attainable.

B. Knolls Sage Grouse Aerial Seeding (approximately 1,435 acres in the Kelly Creek Seeding North Pasture)

Half-shrubs (forage kochia): Density of one firmly rooted half-shrub (kochia) per square meter.

4. There will be two growing seasons rest (from spring turn-out, 2001 to August 31, 2002) of the Jakes Creek Pasture to allow seedling establishment; however, fall/winter grazing after the first growing season (i.e. September 1, 2001) may be authorized if seedling and mature kochia plants and/or native, perennial herbaceous plants meet the density objective and the native release production objectives are met, and grazing use will be compatible with meeting the rehabilitation objectives.

If the seedling and mature kochia and grass plants and/or native, perennial herbaceous plants density objective and perennial species production objective for the native release area have not been met after two growing seasons, then one additional growing season of deferment may be required (no longer than through August 31, 2003), but if an additional growing season of deferment is required, dormant season use (approximately September 1 through March 31) may be authorized.

During the dormant season, soil will be firm or frozen. At this time seedlings will either be too small to be selected by cattle or if large enough to be selected, the seedlings are unlikely to be pulled out of the soil due to the firm or frozen ground. Dormant use has little effect on seedling growth and survival the next growing season.

If the herbaceous and kochia density and production objectives have been met but the aspen objective has not been met, the Jakes Creek Pasture may be opened to grazing provided use will ensure objectives for aspen will be met. Options to protect aspen include exclosures, riding, herding, salting, timing of use (i.e. prior to July 15), etc.

Rehabilitation objectives for the Jakes Creek Pasture are:

A. Knolls Sage Grouse Aerial Seeding (approximately 3,030 acres in the Jakes Creek Pasture)

Half-shrubs (forage kochia): Density of one firmly rooted half-shrub (kochia) per square meter.

B. Big Horn Sheep Aerial Seeding (approximately 1,740 acres)

Herbaceous species: Density of 3-5 firmly rooted perennial grasses per square meter, including seeded and/or native release plants. Hammond/Oro Vaca is additionally

concerned that 3-5 perennial herbaceous plants may exceed the ecological capability of the site. BLM and Hammond/Oro Vaca will review BLM's seeding density studies on other sites of the same ecological potential to determine the attainability of this density level. If it is shown to be unlikely to attain such density in the same ecological sites, this density objective will be adjusted downward to an appropriate level.

C. Wildlife Aerial Seeding (approximately 2,356 acres seeded)

Herbaceous species: Density of 3-5 firmly rooted perennial grass or alfalfa plants per square meter, including seeded and/or native release plants. Hammond/Oro Vaca is additionally concerned that 3-5 perennial grasses or alfalfa plants may exceed the ecological capability of the site. BLM and Hammond/Oro Vaca will review BLM's seeding density studies on other sites of the same ecological potential to determine the attainability of this density level. If it is shown to be unlikely to attain such density in the same ecological sites, this density objective will be adjusted downward to an appropriate level.

D. Native Release Areas (approximately 12,803 acres): Applies to non-seeded portions of the Jakes Creek Pasture only

Herbaceous species: Perennial, native grass production within the burned area equals or exceeds perennial, native grass production within a comparable unburned range site.

E. Aspen

Fifty percent of suckers/saplings which sprout in 2001 or 2002 attain a height of seven (7) feet or more, provided, however, that:

The objective does not apply to snow-pocket aspen which are usually stunted due to the presence of heavy snowpacks.

Terminal leader use by wildlife will be evaluated along with the measurements of height. If terminal leader use by deer will prevent the attainment of the objective, this objective will be revised to an attainable one, will be dropped, or other actions such as installing deer fencing, etc. will be implemented.

5. Each of the recovery areas (i.e., Kelly Creek Seedings, Knolls Sage Grouse Aerial Seeding, Big Horn Sheep Aerial Seeding, Wildlife Seeding, Native Release areas, and aspen areas) may be opened and/or exempted from achievement of objectives independent of the other areas **provided that such authorization of grazing will not prevent attainment of objectives in the other areas.** The Kelly Creek Seeding is fenced separately from the other rehabilitation areas. The other rehabilitation areas are within the Jakes Creek Pasture. If objectives are met for one or more areas within the Jakes Creek Pasture, those areas may be opened for grazing provided that temporary measures (fences, exclosures, riding, herding, salting, timing of use, etc) can be

accomplished so that use of the Jakes Creek Pasture will not deter the accomplishment of objectives of the remaining area(s).

6. The Oust Pasture/Sawtooth Spring Seeding Pasture will be used only to trail through in the spring and fall in 2001, to and from the Flat, Divide, and 1993 EFR Pastures, and to and from the Spring Creek and Rim Pastures. (Objectives for seeding establishment, non-use AUMs, etc. are outlined in the Decision dated 12/10/99.)
7. Livestock will be primarily "staged" in the Spring Creek and Rim Pastures, either coming from spring turn-out areas to the Basin Pasture or other pastures, or coming from the Castle Ridge Pasture to the other pastures or home meadows.
8. Livestock will be moved out of any pasture when average utilization reaches 50% in those areas reasonably available to livestock or according to livestock management needs (branding, husbandry, economics, etc.), whichever comes first. If a given pasture is not grazed to 50% in the spring, or if timing of use permits regrowth of forage after termination of grazing in the spring, the pasture will be available for grazing in the fall/winter/early spring, up to 50% average utilization within the dates and AUMs specified above. If utilization reaches 50% in all available (non-rested) pastures, livestock will be removed from the allotment(s). If active permitted use is reached before 50% utilization is reached, BLM may authorize temporary non-renewable use up to 50% provided such use would be compatible with attainment of multiple use objectives. This use will be applied for in advance and authorized in the same manner as all temporary non-renewable use. (Advance notice of three to four weeks will be necessary to conduct monitoring, consult with the interested public, and evaluate any request prior to authorization.)
9. Approximately nine to 40 wild horses are within the fire rehabilitation area on the Jakes Creek, Tall Corral, and Little Humboldt Allotments. The Jakes Creek Allotment is outside of a Herd Management Area. BLM will remove these wild horses from the areas closed to grazing to protect the areas which have been seeded as Nevada BLM priorities allow.
10. Monitoring sites for each of the objectives listed above will be selected in the summer of 2001 by BLM, the permittees, and the interested public who participate in field selection, as follows:

Density will be monitored using the Density Method (Technical Reference 1734-4) with quadrant size and sample size to be determined in the field, unless another method is agreed upon by the BLM, permittee, and interested public who participate.

Production will be monitored by clipping and estimating vegetation using the double-weight estimate method, in not less than ten 9.6 square foot plots at each selected monitoring location to which the production objective applies.

Aspen height will be determined by tagging not less than 50 aspen suckers at each monitoring site to which the objective applies, in the spring and summer of 2001 and measuring the heights of the tagged plants. To the extent possible, the individuals tagged will be selected systematically (e.g., "first 50 plants", "closest plant after every step", "closest plant after every two steps", etc) to be determined in the field and to be determined so as to represent the stand being monitored. Tagging will ensure that "new" aspen suckers arising in later years do not interfere with the analysis of the objective by depressing the percentage or height readings.

Utilization by pasture will be determined by weighted average utilization of those areas reasonably available to livestock. Utilization intensity of each utilization transect conducted in a representative area of the utilization zone will be determined by using the Height-Weight Utilization Method per Technical Reference 1734-3 (1996).

Subject to change by BLM and Hammond/Oro Vaca, utilization will be monitored on the following **tentative** schedule:

Flat, Divide, 1993 EFR Pastures:	Spring – May 15, May 30 Fall/winter (if used) – to be determined
Spring Creek:	Summer – prior to fall use
Rim:	Summer – prior to fall use
Castle Ridge:	Aug 30, Sept 15, Sept 30, Oct 15, Oct 31
Rim:	After fall use staging out of the Basin and/or Castle Ridge Pastures

BLM and/or Hammond/Oro Vaca may monitor for any and all of the above objectives, but each will give the other at least five (5) days notice and invitation to participate in each monitoring event.

Enclosed is a copy of the Notice of Closure, a map of the Kelly Creek Fire and proposed and/or completed fences, and a map of the completed and/or proposed seedings. This closure will be effective immediately and continue in effect until conditions as outlined above 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), and 4160.3(f).

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.

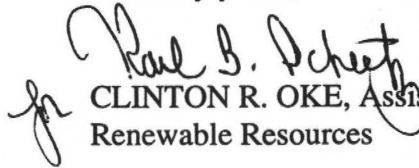
The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error.

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, Assistant Field Manager
Renewable Resources

Enclosures: as stated above

cc:

U.S. Fish & Wildlife Service, Attn: Robert Williams
Nevada Division of Wildlife
Commission for the Preservation of Wild Horses, Attn: Cathy Barcomb
Elko County Commissioners
Kenneth Buckingham
Committee for Idaho's High Desert
Phyllis Jo Dean
Ellison Ranching Company
Farm Credit Services
Federal Land Bank of Sacramento
Intermountain Range Consultants
Nevada First Corp., Attn: Gary Bengochea
Resource Concepts, Inc., Attn: John McLain
Trout Unlimited, Attn: Stephen Trafton
Westside Watersheds Project, Attn: Jon Marvel
Wild Horse Organized Assistance (WHOA), Attn: Dawn Lappin

KELLY CREEK FIRE FENCES AND SEEDING TREATMENT

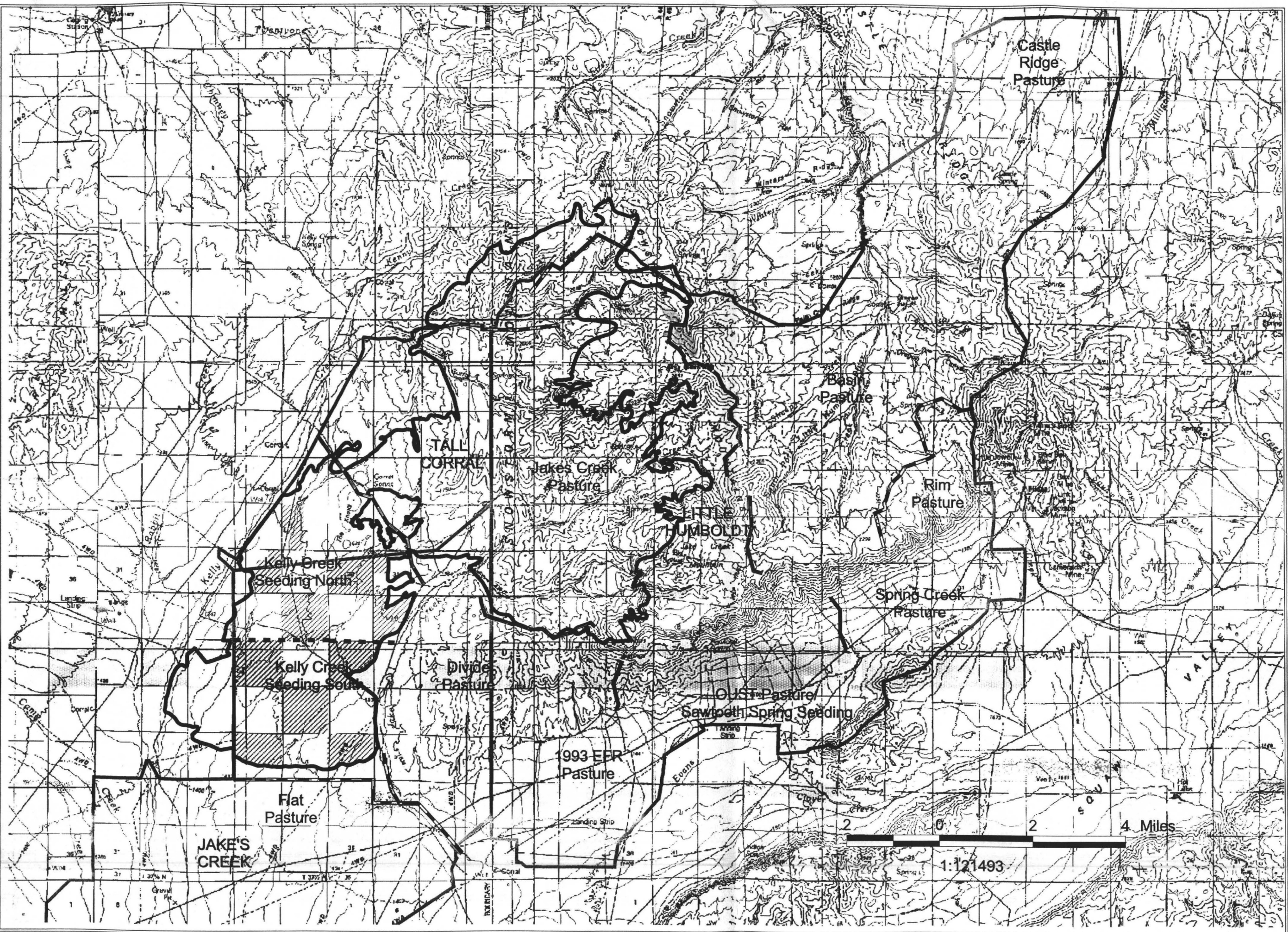
- New Fire or Fire-Affected Fence
- Fire Fences
- Basin
- Buckingham Allotment Fence
- Garvey-Hammond #2 Fence
- Garvey-Hammond Allotment Fence
- Hammond-Allied Division Fence
- Jake's Drift Fence
- Knoll Fence
- Little Humboldt
- Oust
- South Fork Stream Exclusion
- Proposed Seeding Fence
- Disc/Drill Range Seeding
- Kelly Creek Fire Boundary
- Allotment Boundary Line
- Jake's Creek
- Little Humboldt
- Tall Corral
- Land Status**
- Public (Administered by BLM)
- Private












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BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE

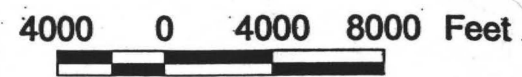
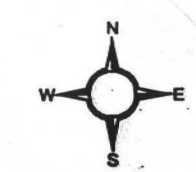
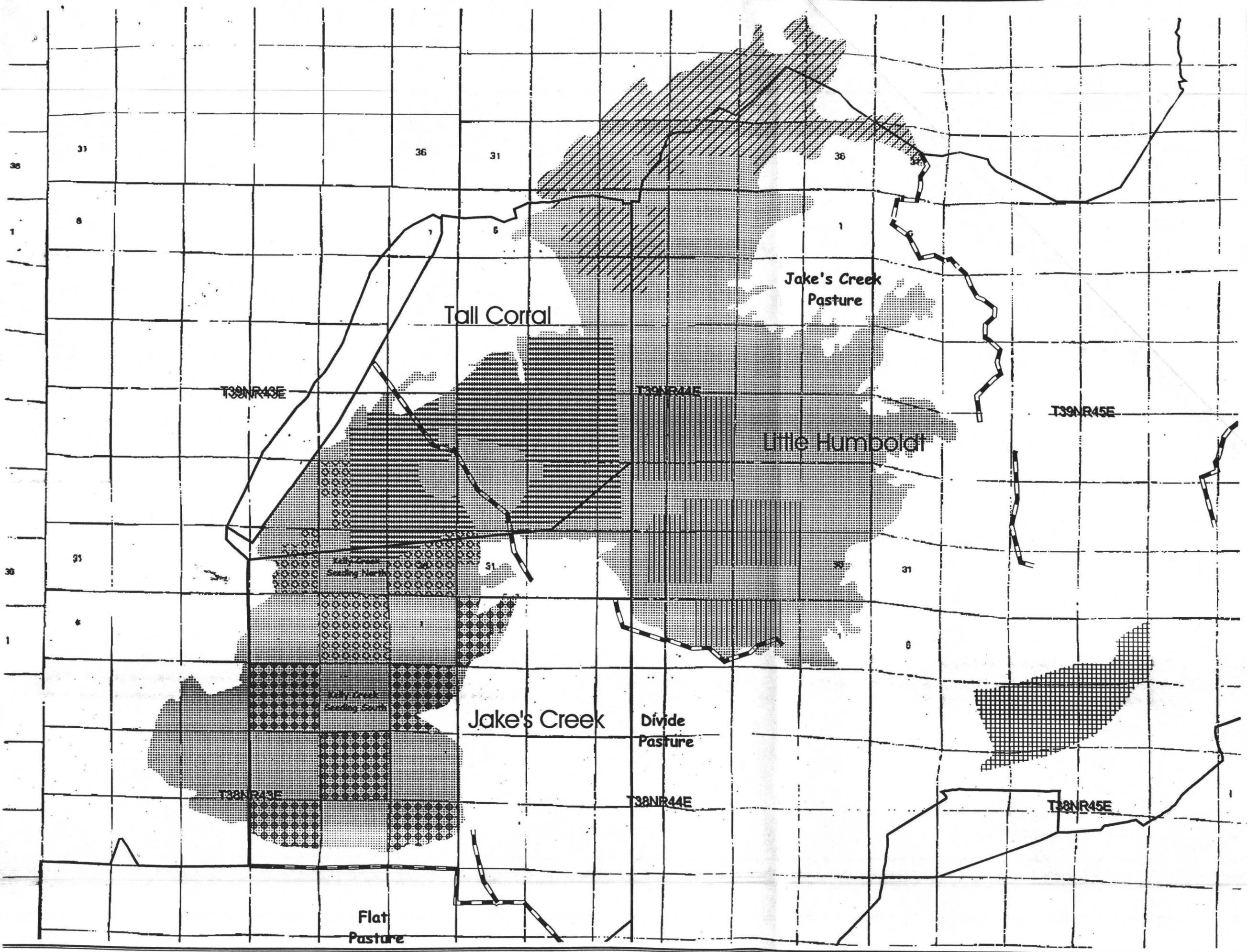


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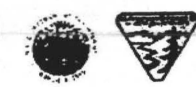


Kelly Creek Aerial and Drill Seeding Treatments

-  Kelly Creek Fire Perimeter
-  Allotment Boundary
-  Fire Fences
-  Aerial Sage Grouse Seeding
-  Aerial Wildlife Seeding
-  OUST / Aerial Seeding
-  Disc/Drill Seeding
-  Drill Seeding
-  Bighorn Aerial Seeding



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NOTICE OF CLOSURE TO LIVESTOCK GRAZING USE

For protection of the soil and reestablishment of perennial vegetation on the public lands in the Little Humboldt, Tall Corral, and Jakes Creek Allotments, I hereby exclude the grazing by any kind of livestock within the following pastures:

- Kelly Creek Seeding South, Kelly Fire,
- Kelly Creek Seeding North, Kelly Fire,
- Jakes Creek Pasture, Kelly Fire,

as shown on the attached map. These areas are located in Elko and Humboldt Counties, within the Bureau of Land Management's Elko Field Office area of administration.

This closure is effective immediately and will remain in effect until the establishment criteria are met or no longer than August 31, 2003 for the Kelly Creek Drill Seeding South and the Jakes Creek Pasture and no longer than August 31, 2004 for the Kelly Creek Drill Seeding North.

Establishment criteria for the Kelly Creek Drill Seeding South and Kelly Creek Drill Seeding North are: (1.) three to five firmly rooted perennial grasses of the seeded or native species per square meter and (2.) one firmly rooted seeded half-shrub or native shrub per square meter.

Establishment criteria for the Jakes Creek Pasture are:

Knolls Sage Grouse Aerial Seeding: one firmly rooted seeded half-shrub per square meter.

Big Horn Sheep Aerial Seeding: three to five firmly rooted perennial grasses of the seeded or native species per square meter.

Wildlife Aerial Seeding: three to five firmly rooted perennial grass or alfalfa plants, including seeded or native species per square meter.

Native Release Areas: Perennial native grass production within the burned area equals or exceeds perennial native grass production within a comparable unburned range site.

Aspen: Fifty percent of suckers/saplings which sprout in 2001 or 2002 attain a height of seven (7) feet or more.

If the establishment criteria are not met by the end of the second growing season of closure, these burned areas will be evaluated for the potential to meet the criteria. Some of the factors to be considered in this evaluation will be: amount of total precipitation, amount of growing season precipitation, how close to meeting the establishment criteria the seeding or areas managed for native release are at the end of the first and second growing seasons, and what benefits, if any, an additional growing season of rest might provide, etc. If the evaluation at the end of the second growing season concludes that a third year of growing season rest would be beneficial, a third year of growing season rest may be implemented.

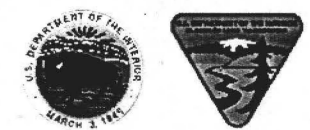
This closure is issued as a final decision, in full force and effect pursuant to Title 43, Code of Federal Regulations (CFR) § 4110.3-3(b) and 4160.3(f). Hammond/Oro Vaca, Inc. will be notified of the date that the closed portions of the Jakes Creek, Tall Corral, and Little Humboldt Allotments will be open for grazing.

KELLY CREEK FIRE FENCES AND SEEDING TREATMENT

- New Fire or Fire-Affected Fence
- Fire Fences
- Basin
- Buckingham Allotment Fence
- Garvey-Hammond #2 Fence
- Garvey-Hammond Allotment Fence
- Hammond-Allied Division Fence
- Jake's Drift Fence
- Knoll Fence
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- South Fork Stream Exclosure
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3-29-01
by
K. Dedolph

