



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611
<http://www.nv.blm.gov>



In Reply Refer To:
4130 (NV-012)

CERTIFIED NO. P 213 904 333
RETURN RECEIPT REQUESTED

DEC 10 1999

DECISION

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

NOTICE OF CLOSURE FOR THE LITTLE HUMBOLDT ALLOTMENT

Between July 8 and July 12, 1999 the Clover Fire burned approximately 4,360 acres of public land and 250 acres of private lands within the Little Humboldt Allotment. Actions needed to restore that portion of the Clover Fire within the Little Humboldt Allotment were outlined in the Burned Area Emergency Fire Rehabilitation Plan (BAER Plan) approved on August 30, 1999. These steps include: the construction of fences creating a 4,719 acre pasture to facilitate closure of the burned area to livestock grazing, treating 1,665 acres of the burned area with the pre-emergent Oust® herbicide for control of downy brome or cheatgrass (*Bromus tectorum*) in the winter of 1999, and reseeding of the treated area in the fall of 2000 to restore perennial vegetation for ground cover and to act as a fire break in the Little Humboldt Allotment (see attached maps for project location). Both the burned area and the treatment area are outside of the Little Humboldt Wildhorse Herd Area and do not affect Lahontan cutthroat trout habitat.

In order to achieve the most effective control of downy brome or cheatgrass by the use of Oust®, it is necessary that Oust® be applied to the burned area while it is devoid of vegetation and before the ground is frozen. Therefore, Oust® will be applied as soon as environmental conditions are favorable in December, 1999.

For the use of Oust® the State of Nevada, Department of Agriculture requires that the area being treated be closed from livestock grazing for one year after its application. Also, in order to allow for successful establishment of perennial vegetation after the reseeding, it is necessary that the burned area be rested from livestock grazing until rehabilitation objectives have been met. As outlined in the BAER Plan, the area would be reseeded with a grass, forb, and half-shrub mixture:

P-27 Siberian wheatgrass	4 lbs./acre
forage kochia	1 lbs./acre
western yarrow	0.1 lbs./acre

A consultation letter was sent to you as well as the interested public on November 12, 1999 explaining the circumstances associated with the Clover Fire and our intentions to treat the burned area within the Little Humboldt Allotment with Oust® and then close this area to livestock grazing. The letter also stated that any comments pertaining to this action must be received by this office no later than November 19, 1999. Comments were received from you via fax on November 18, 1999.

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

1. Close the burned portion of the Little Humboldt Allotment within T.38N., R.45E., Sec. 3,4,5,7,8,9,10,16,17,18; T.38N., R.44E., Sec. 12,13; T.39N., R.45E., Sec. 34. This closure will be effective immediately and will remain in effect at least until the end of the 2002 growing season (August 1, 2002).
2. Hammond Ranches, Inc. permitted active use for the Little Humboldt Allotment will be reduced by 384 AUMs, from 8,279 AUMs to 7,895 AUMs. These 384 AUMs will be placed in suspension for protection purposes.
3. Construct necessary protective fences to facilitate this closure. The fenced area closed to grazing will be know as the Sawtooth Spring Pasture.
4. Spray Oust® a pre-emergent herbicide for the treatment of cheatgrass as soon as environmental conditions are favorable in December, 1999.
5. The Sawtooth Spring Seeding will be closed to grazing for no less than one full year following the application of Oust® within the burned area as required by the special local need registration for Oust® approved by the Department of Agriculture for the State of Nevada. However, during this time period, cattle may be **trailed** through the Sawtooth Spring Pasture restricted to the area along the Midas County road and with no overnight stops.
6. Reseed the burned portion within the Sawtooth Spring Pasture in the fall of 2000.
7. The Sawtooth Spring Seeding will be closed to grazing for an additional period of at least two growing seasons following the reseeding of the burned area.

Following the 2002 growing season, the seeding will be monitored to determine if additional growing season rest or deferment is needed to ensure successful establishment of the seeded perennial vegetation. Establishment criteria for the Sawtooth Spring Seeding are three to five seeded herbaceous plants per square meter and one half-shrub per ten square feet. Production data will also be collected within the seeded area to determine forage availability. If the herbaceous component has been established prior to establishment of the half-shrub, the Sawtooth Spring Seeding may be grazed as approved by the BLM. Timing and amount of use will be planned so that livestock use will not prevent maintenance and achievement of the primary objectives of the seeding: stabilization of the watershed, soil erosion protection, control of cheatgrass, and use as a firebreak. However, the seeding will be closed for no more than four growing seasons (until August 1, 2003).

Cattle may be trailed through the Sawtooth Spring Seeding in the spring and fall during the closure period. Trailing will be restricted to the area along the Midas County road with no overnight stops in the pasture.

8. Following the 2002 growing season, or at such time monitoring data indicates that grazing use in the Sawtooth Spring Seeding may resume, the fences constructed to facilitate the closure to grazing will be evaluated as to their future need and location.

Enclosed is a copy of the Notice of Closure, a general vicinity map, and a map of the project area within the Little Humboldt Allotment. 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

Enclosure(s): As stated above

cc: LaVaca Cattle Company
Bottari & Associates Realty
HTT Resource Advisors
Elko County Conservation Assoc.
Commission for the Preservation of Wild Horses

Carl Hammond
Farm Credit Services
Nevada First Corporation
Resource Concepts, Inc.
Ellison Ranching Company

Wild Horse Organized Assistance
U.S. Fish & Wildlife Service
Friends of Nevada Wilderness
Nevada Cattlemen's Assoc. & Land Action Assoc.
Barrick Goldstrike Mines Inc.
Federal Land Bank of Sacramento
Elko County, Board of County Commissioners

Kenneth Buckingham
Nevada Division of Wildlife

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 Allotment, I hereby exclude the grazing by any kind of livestock within the burned portions of the Little Humboldt Allotment within T.38N., R.45E., Sec. 3,4,5,7,8,9,10,16,17,18; T.38N., R.44E., Sec. 12,13; T.39N., R.45E., Sec. 34 effective immediately through at least August 1, 2002. This area is located in Elko County, within the Bureau of Land Management's Elko Field Office area of administration.

This closure is effective immediately and will remain in effect until at least August 1, 2002. This area will be monitored to determine if additional growing season rest, deferment, or early grazing is needed to ensure successful reestablishment of the seeded vegetation.

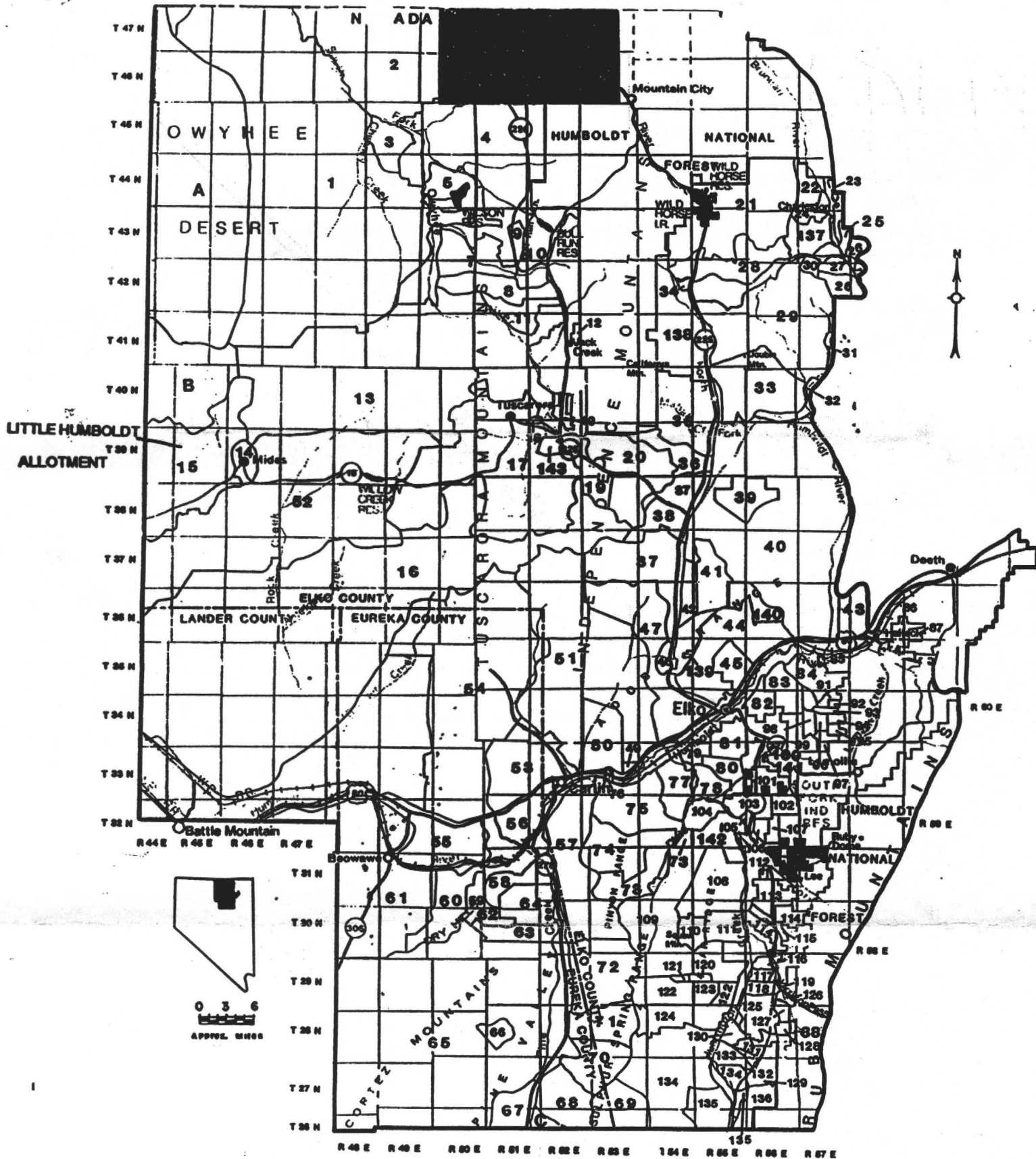
This closure is issued as a final decision, in full force and effect pursuant to Title 43, Code of Federal Regulations (CFR) Subparts 4110.3-3(b) and 4160.3(f). Hammond Ranches, Inc. will be notified of the date that the closed portions of the Little Humboldt Allotment will be open for grazing.

All owners of livestock affected by this closure will refrain from **grazing** livestock on the affected lands and will continue to keep all livestock off the above lands during the designated time period. (Hammond Ranches, Inc. will be allowed to trail cattle through the closed area with prior authorization along the Midas County Road only and with no overnight stops.) During this time period the Assistant Field Manager, Renewable Resources, Bureau of Land Management, Elko Field Office, or his authorized representative, may without further notice proceed to impound, remove and dispose of any livestock found in violation of this notice pursuant to 43 CFR Subpart 4150.4

Detailed maps of the Little Humboldt Allotment and the areas affected by this closure are available at the Elko Field Office, Elko, Nevada.

Roy Price, for
CLINTON R. OKE, Assistant Field Manager
Renewable Resources

12/10/99
Date



GENERAL VICINITY MAP

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ELKO RESOURCE AREA

T.39N.

PROPOSED FENCE LOCATION

PROPOSED FENCE LOCATION

SAWTOOTH SPRINGS SEEDING

TREATMENT AREA

T.38N.

R.44E.

R.45E.

