



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE
3900 EAST IDAHO STREET
ELKO, NEVADA 89801-4611

IN REPLY REFER TO:

4130 (NV-012)

FEB 19 1999

Merkley Ranches
c/o Kenny Merkley
400 Jiggs Unit 17
Spring Creek, NV 89815

Dear Mr. Merkley:

According to our files, your Term Grazing Permit for the Red Rock and Merkley FFR Allotments will expire on February 28, 1999. In order to offer you a term grazing permit and authorize grazing use in 1999, we need to have the attached "Acceptance of Terms and Conditions" form signed and returned as promptly as possible. Based on the acceptance of the terms and conditions, we propose to offer you a new ten year term grazing permit. The term of the grazing permit will be from March 1, 1999 to February 28, 2009.

The grazing regulations require the authorized officer to consult, cooperate, and coordinate (CCC) with affected permittee, the State Agencies responsible for managing resources within the area, and the interested public prior to the issuance of grazing permits (43 CFR 4130.2(b)). Therefore, a copy of this letter and a copy of the acceptance form will be sent to anyone who has expressed an interest in the Red Rock and Merkley FFR Allotments. (See attached map for the location of this allotment). **The interested public is being asked to provide comment by March 8, 1999.** You will be notified of any changes to terms and conditions that may be warranted as a result of comments received.

If we propose to change the terms and conditions following the comment period, we will keep you and the other interested parties informed. Following the comment period, we will also decide if a proposed decision will be needed. If a proposed decision is necessary, it will be sent to the interested public and will include a 15-day period for protest and a 30-day period for appeal after the decision has become final.


The terms and conditions outlined on the attached acceptance form are consistent with the Elko Resource Management Plan. The impacts of livestock grazing have been analyzed in the Elko Management Plan Environmental Impact Statement.

The Red Rock Allotment is within the Diamond Hills North Wild Horse Herd Management Area and is included in the Diamond Mountain Complex. The Diamond Mountain Complex Evaluation was issued in May, 1997, and a multiple use decision is scheduled to be issued following the 1999 grazing season.

If you have any questions about this matter, please contact Chuck Petersen, the assigned

Rangeland Management Specialist at (775) 753-0359. If you prefer to discuss this matter in person, please call to set up an appointment with us so that we may respond to any questions you may have.

Sincerely,


for CLINTON R. OKE, Assistant Field Manager
Renewable Resources

Enclosure: As stated above

cc: U.S. Fish & Wildlife Service
Resource Concepts, Inc.
Ben French
NV Division of Wildlife
Elko Board of County Commissioners
Trout Unlimited-Sagebrush Chapter
NV Cattlemen's Assn./NV Land Action Assn.
HTT Resource Advisors
International Society for the Protection of Wild Horses and Burros
Wild Horse Organized Assistance
Commission for the Preservation of Wild Horses
Animal Protection Institute
Kathryn Cushman
Anna Charlton
Bobbi Royle
Sharon Crook
Paris Livestock Co.
Wilfred R. Bailey
Ely Field Office BLM
Battle Mountain Field Office BLM
Eureka County Natural Resources Department
People for the West

**ACCEPTANCE OF TERMS & CONDITIONS and
REQUEST FOR GRAZING PERMIT**

I, Kenny Merkley of Merkley Ranches, agree to accept the Terms & Conditions listed below and request that I be offered a Grazing Permit to graze the allotments in which I have a grazing preference.

Proposed Terms & Conditions

<i>Allotment</i>	<i>Livestock Number & Kind</i>	<i>Begin Period</i>	<i>End Period</i>	<i>%PL</i>	<i>Type Use</i>	<i>AUMs</i>
Red Rock	760 Cattle	4/18	10/17	100	Active	4,572
	45 Cattle	10/18	11/17	100	Active	46
Merkley FFR	100 Cattle	9/18	12/2	100	Custodial	250

Terms and Conditions:

The terms and conditions of your grazing permit may be modified if additional information indicates that revision is necessary to conform with 43 CFR 4180.

Pursuant 43 CFR 10.4(G) The holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(C) and (D), you must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer.

There are 943 historic suspended non-use AUMs in the Red Rock Allotment associated with the Merkley Ranches grazing permit.

Management and use of the Red Rock Allotment shall be in accordance with the Livestock Use Agreement for the Red Rock Allotment that was signed and approved on 6/25/97. Livestock grazing privileges for this grazing permit will be 4,308 AUMs Active, and 310 AUMs non-use for conservation purposes, until a final multiple use decision is issued for the Red Rock Allotment in conjunction with the Diamond Mountain Complex.

Livestock numbers may vary depending on grazing period dates, provided that permitted AUMs are not exceeded.

Actual use data on all pastures must be submitted to this office within 15 days from the last day of use.

Supplemental feeding is limited to salt, mineral and/or protein supplements in block, granular or liquid form. Such supplements must be placed at least ¼ mile from live waters (springs and streams), troughs, wet or dry meadows, and aspen stands.

All riparian enclosures, including spring development enclosures, are closed to livestock use unless specifically authorized in writing.

Payment of grazing fees is due on or before the due date specified on the grazing bill. Failure to pay the grazing bill within 15 days of the due date specified on the bill shall result in a late fee assessment of \$25.00 or 10 percent of the grazing bill, whichever is greater, but not to exceed \$250.00

The term of the Grazing Permit will be from March 1, 1999 to February 28, 2009.

Signed: _____

Date: _____

February 22, 1999

Clinton Oke, Assistant Field Manager
Renewable Resources
BLM-Elko Field Office
3900 East Idaho St.
Elko, Nevada 89801-4611

RE: Red Rock Allotment

Dear Mr. Oke,

I have received and reviewed the Term Grazing Permit for the Red Rock Allotment which is in the Diamond Mountain North Wild Horse Herd Management Area. As you have stated in this letter you are offering a 10 year grazing permit but follow that with the fact that you have done an allotment evaluation in May 1997, and have scheduled to issue the Multiple Use Decision (MUD), following the 1999 grazing season.

Approximately 1,500 wild horses were removed over 2 years ago on a promise of a forthcoming MUD. The pending FMUD should validate or adjust the AML for the Diamond Complex through a carrying capacity estimate based on the monitoring studies. We are confused as to why you would issue a ten year permit with the MUD forthcoming this year. It would seem more appropriate to issue a one-year permit pending the outcome of the MUD. I would appreciate a response as to the reasoning behind this.

Sincerely,

CATHERINE BARCOMB
Administrator