

Red Rock 3/14/96



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

ELKO DISTRICT OFFICE
3900 E. IDAHO STREET
P. O. BOX 831
ELKO, NEVADA 89803

IN REPLY REFER TO:

4130 (NV-014)

MAR 14 1996

Wilfred R. Bailey
Diamond Valley BX 66
Diamond Valley RT BX13A
Eureka, NV 89316

Dear Mr. Bailey:

One of the requirements of the new grazing regulations is that each permittee must have a Grazing Permit **and** an annual authorization (43 CFR 4140.1(b)(1)(i)) before grazing livestock on public land. The superseded regulations required a Grazing Permit **or** other grazing use authorization. A paid annual authorization met the requirement under the old rule.

Based on our review of your grazing case file, we found no approved Grazing Permit to authorize your use of the public lands. In order to offer you a Grazing Permit and authorize your 1996 grazing use, we need to have the attached "**Acceptance of Terms and Conditions**" form signed and returned as promptly as possible. The terms and conditions outlined in the attached acceptance form are those which have historically appeared on previous annual licenses.

The new regulations also require the authorized officer to consult, cooperate, and coordinate with affected permittees or lessees, the State agencies having lands or responsible for managing resources within the area, and the interested public prior to the issuance or renewal of grazing permits or leases (43 CFR 4130.2(b)). Therefore, a copy of this letter and the enclosed acceptance form will be sent to anyone who has expressed an interest in the Red Rock Allotment. **The interested public is being asked to provide comment by March 29, 1996.** You will be notified of any changes to terms and conditions that may be warranted as a result of comments received.

Upon acceptance of the terms and conditions, we will offer you a Grazing Permit by proposed decision. You will then sign and return the Grazing Permit to this office. This proposed decision will also be sent to State agencies having lands or responsibilities for managing resources within the area and the interested public. This action will fulfill our requirement for consultation, cooperation and coordination (CCC) with these interests.

Affected interests will then have 15 days from receipt to protest the proposed decision. In the event that a protest is received, the protest points will be carefully considered and a final decision will be issued. If no protests are received, the proposed decision will become final.

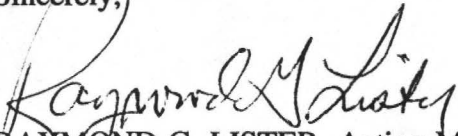
Affected interests will have 30 days to appeal the final decision. If the decision is appealed, you will either be granted a license reflecting your previous year's authorized use or one which reflects the enclosed permit. The option taken will depend upon whether a stay of the decision is requested and granted.

Should no protest or appeal be filed, at the end of the 45 day period following receipt of the decision by the interested public, I will approve the Grazing Permit enclosed with the proposed decision.

As you can see, the process is somewhat time consuming. In order that we may timely process and take actions to approve your new Grazing Permit and annual authorization, it is imperative that we verify acceptance of the terms and conditions as quickly as possible. Therefore, you must return the enclosed acceptance form by the ending date for comment specified above.

If you have any questions please feel free to contact either me or Chuck Petersen, your assigned range management specialist. If you would prefer to discuss this matter in person, please call and set up an appointment with us so that we may respond to any questions you may have.

Sincerely,


RAYMOND G. LISTER, Acting Manager
Renewable Resources

Enclosure: as stated above

cc: USFWS - Reno
Resource Concepts Inc.
NRDC - Johanna Wald
Sierra Club - Toiyabe Chapter
Nevada Cattlemen's
Nevada Division of Wildlife
Nevada Division of Environmental Protection
Merkley Ranches
Paris Livestock
Animal Protection Institute of America
Commission for the Preservation of Wild Horses
Ms. Ann Earl
Ms. Kathryn Cushman
Anna Charlton
Wild Horse Organized Assistance

ACCEPTANCE OF TERMS & CONDITIONS and
REQUEST FOR GRAZING PERMIT

I, _____ agree to accept the Terms & Conditions listed below and request that I be offered a Grazing Permit to graze the allotment 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	227 Cattle	4/15	11/1	100	Permitted	1500

Terms and Conditions

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

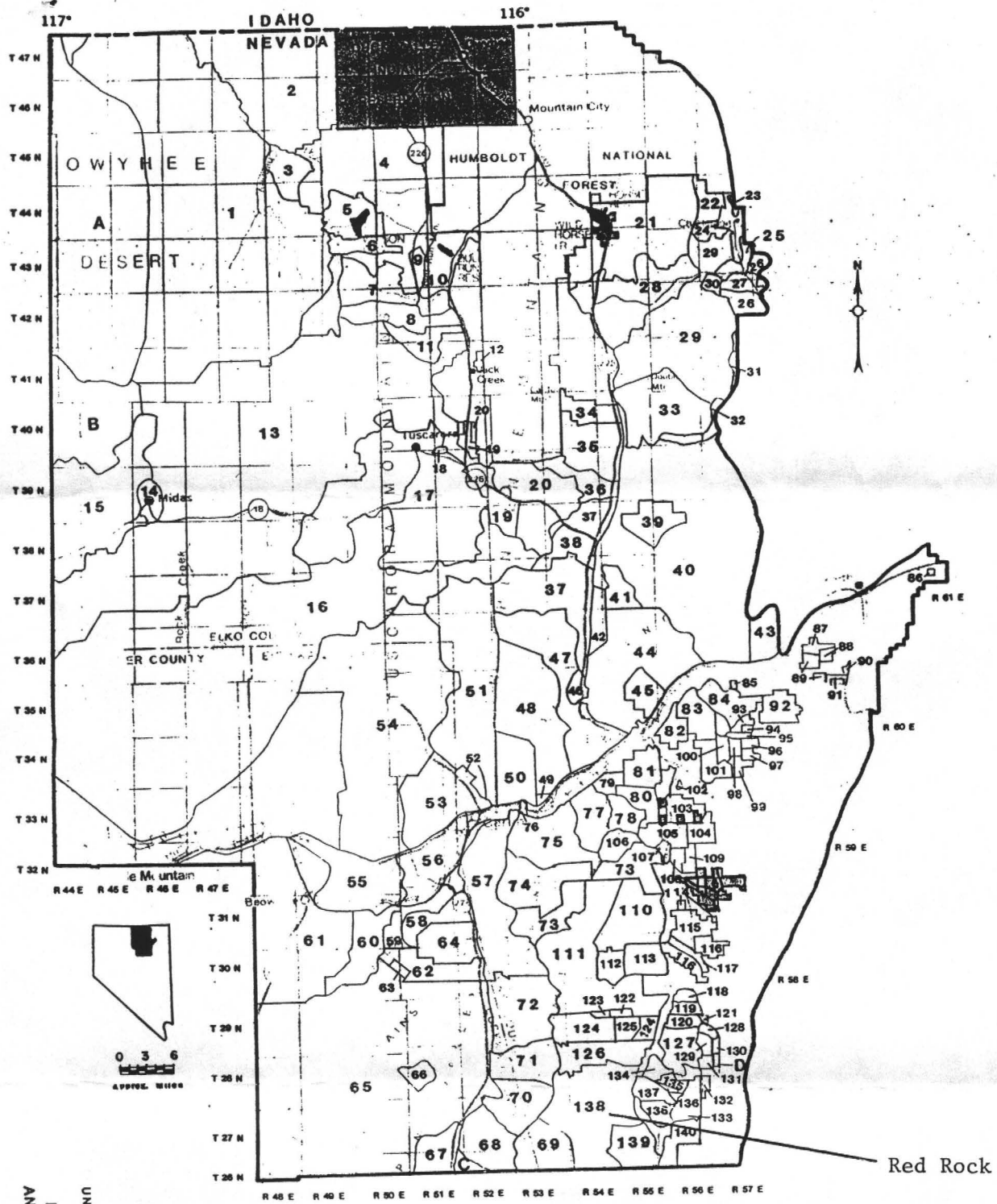
Wilfred Bailey has no historic suspended AUMs attached to the the above allotment.

The term of the Grazing Permit will be from March 1, 1996 to February 28, 2006.

Signed: _____

_____ Date

Note: In order to timely process your new permit/lease and annual authorization this form needs to be signed and returned to the Elko District Office as soon as possible.



Red Rock

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 ELKO RESOURCE MANAGEMENT PLAN
 AND ENVIRONMENTAL IMPACT STATEMENT

ALLOTMENT BOUNDARIES



COMMISSION FOR THE
PRESERVATION OF WILD HORSES

255 W. Moana Lane

Suite 207A

Reno, Nevada 89509

(702) 688-2626

March 26, 1996

Mr. David J. Vandenberg
Elko Resource Area
Bureau of Land Management
3900 East Idaho Street
P.O. Box 831
Elko, Nevada 89803

Subject: Terms and Conditions - Red Rock Allotment

Dear Mr. Vandenberg:

The Commission for the Preservation of Wild Horses has reviewed the proposed terms and conditions for the Red Rock Allotment. No information has been provided to determine if a resource activity plan exists for the allotment or if the proposed terms and conditions will affect a wild horse herd.

In the event that long term grazing permits must be a functional equivalent to a resource activity plan, we request that present regulations 43 CFR 4100, Subpart 4120 be adhere too.

Please provide additional information and terms requiring management actions to meet specific resource objectives for this allotment. There may be a need to complete an environmental assessment to present alternative and rangeland monitoring data for any livestock authorization on the allotment.

Thank you for your consideration on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director

INTERIM LIVESTOCK STOCKING LEVEL AND WILD HORSE AML ELKO DISTRICT

Study areas
64% used
av.

ALLOTMENT	HORSE AUMs (yearlong numbers)	LIVESTOCK AUMs
<i>weighted average for 1 year (59% use)</i> Browne	69 (6) Option 1	554 Option 1
<i>Bitterbrush seed high no riparian</i> Red Rock (native)	546 (45) Option 2	4877 Option 2

I. Calculating Interim Livestock Stocking Levels and Wild Horse AML - Browne Allotment

There are many ways that appropriate management level (AML) for wild horses may be set. When wild horse and domestic use can be separated by time or area, it may be correct to determine AML based on a set level of utilization of vegetation to meet resource objectives. In herd areas where there is substantial overlap in use between domestic livestock and wild horses, options for calculation AML of wild horses may involve proportioning carrying capacity based on percentages. The following steps were used to determine a temporary AML for wild horses and a temporary stocking level for livestock:

1. Determine Actual Use by Wild Horses - 1996 Census Data
- Determine Actual Use by Livestock - 1996 Actual Use Report

Actual use AUMs based on the following: for the period 3/1/96 (start of the growing season) to 7/1/96 (the date all foals presumed born) data from the 9/13/95 census were used. From 7/2/96 to 10/16/96 (date that use pattern mapping data used for utilization value was collected) data from the 10/3/96 census were used. Data from 1996 were used while other year's data were not because in 1996 an intensive aerial census flight was conducted as well as complete use pattern mapping for the allotment. There are two other years in which use pattern mapping data was collected however, there are no corresponding census flights.

3/1/96 to 7/1/96 = 123 days x 56 horses = 224 AUMs
 7/2/96 to 10/16/96 = 107 days x 99 horses = 347 AUMs
 TOTAL 571 AUMs wild horse use

Livestock actual use
 5/15/96 to 8/5/96 @ 60 head = 164 AUMs

Total Actual Use: 571 AUMs (wild horses)
164 AUMs (livestock)
 735 AUMs

2. Calculation of Stocking Rates

A. STOCKING LEVEL FORMULA:

$$\frac{\text{Actual use (AUMs)}}{\text{Utilization}} = \frac{\text{Desired Stocking Level}}{\text{Desired Utilization}}$$

$$\frac{735}{59\%¹$$

Desired Stocking Level = 623 AUMs (interim carrying capacity)

¹ - This is a weighted average obtained from the 1996 use pattern map.

Option 1. Land Use Plan Proportions

The Elko Resource Management Plan (RMP) and Rangeland Program Summary (RPS) set the initial stocking level for the Browne Allotment as follows:

Livestock: 1307 AUMs (89%)
 Wild Horses: 156 AUMs (11%)
 1463

We have determined that the interim carrying capacity is 623 AUMs, thus:

89% x 623 = 554 AUMs Livestock

11% x 623 = 69 AUMs Wild Horses (or 6 horses for 12 months)

Option 2. Actual Use Proportions

Active Preference Livestock:	1307 AUMs
Wild Horse Census:	<u>571 AUMs</u>
Forage Demand:	1878 AUMs

Interim Carrying Capacity: 623 AUMs

1878 AUMs (forage demand)
- 623 AUMs (interim carrying capacity)
1255 AUMs reduction needed

Actual Use:

Livestock:	164 AUMs (22%)
Wild Horses:	<u>571 AUMs (78%)</u>
	735 total AUMs

Livestock	1255 x 22% = 276 AUMs reduction
Wild Horses:	1255 x 78% = 979 AUMs reduction

<u>Livestock Preference</u>	<u>Wild Horse AML</u>
1307 AUMs (active Preference)	571 AUMs (census data)
<u>-276 AUMs</u>	<u>-979 AUMs</u>
1031 AUMs (new preference)	-408 wild horse AML

This option not selected as the AML for wild horses results in a negative number.

Option 3. Forage Demand

Livestock Preference:	1307 AUMs (70%)
Wild Horse Actual Use:	<u>571 AUMs (30%)</u>
	1878 AUMs

Stocking Rate Adjustments

Demand:	1878 AUMs
Stocking Level (actual use livestock and wild horses):	<u>735 AUMs</u>
Reduction:	1143 AUMs

Reduction by User - % of Demand

Livestock: 1143 x 70% = 800 AUMs
Horses: 1143 x 30% = 343 AUMs
100% 1143 AUMs

Total Use Authorization

Livestock: 1307 - 800 = 507 AUMs
Horses: 571 - 343 = 228 AUMs (19 horses for 12 months)
735 stocking level

II. Calculating Interim Livestock Stocking Levels and Wild Horse AML - Red Rock Allotment

Year	Wild Horse Numbers (Average for years with more than one census)	Wild Horse Actual Use (based on yearlong use)	Livestock Actual Use (native pasture)	Total Actual Use	Key Area Utilization (average of key areas in native pasture)
1988	22	264	3329	3593	52%
1989	27	324	3685	4009	58%
1991	73	876	4362	5238	45%
1992	85	1020	3573	4593	30%
1993	37	444	5174	5618	30%
1994	56	672	4742	5414	42%
1996	93	1116	4584	5700	56%
Average	56 (x 12 months = 672)	674	4207	4881	45%

**1. Determine Actual Use by Wild Horses -
Determine Actual Use by Livestock - Actual Use Reports**

See Table 1 above.

Total Actual Use: 672 AUMs (wild horses)
4207 AUMs (livestock native pasture only)
4879 AUMs

2. Calculation of Stocking Rate

A. STOCKING LEVEL FORMULA:

$$\frac{\text{Actual use (AUMs)}}{\text{Utilization}} = \frac{\text{Desired Stocking Level}}{\text{Desired Utilization}}$$

$$\frac{4879}{45\%¹$$

$$\text{Desired Stocking Level} = 5421 \text{ AUMs (interim carrying capacity)}$$

¹ - See table above.

Option 1. Land Use Plan Proportions

The Elko Resource Management Plan (RMP) and Rangeland Program Summary (RPS) set the initial stocking level for the Red Rock Allotment as follows:

Livestock: 5648² AUMs (93%)
Wild Horses: $\frac{444}{6092}$ AUMs (7%)

² - Livestock initial stocking level for native pasture only.

We have determined that the interim carrying capacity is 5421 AUMs, thus:

$$93\% \times 5421 = 5042 \text{ AUMs Livestock}$$

$$7\% \times 5421 = 379 \text{ AUMs Wild Horses (or 32 horses for 12 months)}$$

Option 2. Actual Use Proportions

Active Preference Livestock:	5648 AUMs
Wild Horse Census:	<u>672 AUMs</u>
Forage Demand:	6320 AUMs

Interim Carrying Capacity: 5423 AUMs

6320 AUMs (forage demand)
- 5423 AUMs (interim carrying capacity)
<u>897 AUMs reduction needed</u>

Actual Use:

Livestock:	4207 AUMs (86%)
Wild Horses:	<u>672 AUMs (14%)</u>
	4879 total AUMs

Livestock 897 AUMs x 86% = 771 AUMs reduction
Wild Horses: 897 AUMs x 14% = 126 AUMs reduction

<u>Livestock Preference</u>
5648 AUMs (active Preference)
<u>-771 AUMs</u>
4877 AUMs (new preference)
months)

<u>Wild Horse AML</u>
672 AUMs (census data)
<u>-126 AUMs</u>
546 AUMs wild horse AML (45 horses for 12

Option 3. Forage Demand

Livestock Preference:	5648 AUMs (89%)
Wild Horse Actual Use:	<u>672 AUMs (11%)</u>
	6320 AUMs

Stocking Rate Adjustments

Demand:	6320 AUMs
Stocking Level (actual use livestock and wild horses):	<u>-4879 AUMs</u>
Reduction:	1441 AUMs

Reduction by User - % of Demand

Livestock: 1441 x 89% = 1282 AUMs

Horses: 1441 x 11% = 159 AUMs

100% 1441 AUMs

Total Use Authorization

Livestock: 5648 - 1282 = 4366 AUMs

Horses: 672 - 159 = 513 AUMs (43 horses for 12 months)

4879 stocking level

DIAMOND HILLS NORTH CENSUS RESULTS

YEAR	INSIDE HA	OUTSIDE HA	TOTAL
	Red Rock/Browne/Total		
1984 (Summer)	0/0/0	0	0
1986 (Summer)	21/0/21	10	31
1988 (Summer)	22/0/22	7	29
1989 (Summer)	27/21/48	Not Flown	48
1991 (Summer)	73/28/101	Not Flown	101
1992 (Winter)	69/37/106	32	138
1992 (Spring)	111/7/118	61	179
1992 (Summer)	91/74/165	9	174
1993 (Winter)	22/61/83	29	112
1993 (Spring)	42/45/87	44	131
1993 (Summer)	52/24/76	19	95
1994 (Winter)	59/71/130	35	165
1994 (Summer)	57/58/115	58	173
1995 (Spring)	0/52/52	2	54
1995 (Summer)	63/56/119	66	185
1996 (Fall)	93/99/192	52	244