

2-3-95



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Eagle Lake Resource Area  
705 Hall Street  
Susanville, CA 96130

February 3, 1995

In Reply  
Refer to:

4320(CA-026)


Cathy Barcomb  
Comm. for the Preservation of Wild Horses  
50 Freeport Blvd #2  
Sparks, NV 89431

Dear Cathy:

Enclosed please find a Comparison Table that evaluates our success in meeting the intent of the stipulation signed with the California Dept. of Fish and Game and the Nevada Div. of Wildlife in 1993. We believe that positive action has been taken to address many of the points in the Stipulation. It is our intention to pursue future actions that will move us forward in implementing our agreements for the Twin Peaks Allotment.

If you have any questions, or do not agree with the information contained in the table, please contact me at (916) 257-0456.

Sincerely,

  
Linda Hansen  
Area Manager

Enclosure (1)

Stipulation Comparison Table  
January 1995

PAGE/ SECTION	STIPULATED ACTION	IMPLEMENTED YES / NO		REMARKS
Page 2 Agreement	Terminate grazing decision of March 6, 1992		xx	The March 6, 1992 Decision was modified by the Agreement for 1995.
	Terminate 10-yr. grazing permit		xx	The 1994 decision modified the grazing permit to include new terms and conditions for the purpose of resource protection. The 1994 decision was subject to an injunction in 1994.
	Issue 1994 annual grazing authorization	xx		
	Issue annual grazing authorizations until integrated plan completed	xx		The annual operating plan will be the basis for the annual authorization.

PAGE/ SECTION	STIPULATED ACTION	IMPLEMENTED YES / NO		REMARKS
	Establish carrying capacity using calculation method described in pp. 3 (f) for 1994.		xx	Stocking levels were evaluated in the 1994 Evaluation from utilization information, use pattern mapping, condition and trend data. The utilization objective was exceeded on less than one percent of the allotment indicating that current activity plan stocking levels are adequate. Carrying capacity was not re-calculated for 1995.
Page 3 Terms & Conditions	a. Utilization of key streambank riparian plant species in Lower Smoke Creek, Parsnip and Buffalo (40%)	xx		
	Except for period watering in Buffalo Creek during lambing, sheep use of these creeks will be limited to approximately 10 days (total) trailing during the spring and fall seasons.	xx		

PAGE/ SECTION	STIPULATED ACTION	IMPLEMENTED YES / NO		REMARKS
3	b. No grazing in Lower Smoke Creek in 1994.		xx	Grazing was not scheduled for the Lower Smoke Creek unit under the 1994 Decision. Because of the injunction, we were not able to eliminate that use for 1994. However, the shortened period of use (4/4-4/30/94) resulted in less than objective 40% utilization.
	Trailing on Lower Smoke Creek Road only after 5/1	xx		
	c. Utilization on key plant species, wetland/riparian habitat - 40%		xx	Because it was not possible to address all key riparian sites in one season, the BLM has taken an incremental approach to providing protection to riparian sites identified in the AMP Review Committees objectives. Further riparian protection is planned for 1995/96.

PAGE/ SECTION	STIPULATED ACTION	IMPLEMENTED YES / NO		REMARKS
	d. Utilization on key mountain browse species - 60%	xx		15 of 18 transects read in 1994 showed less than 60% utilization. Of the three transects where utilization exceeded 60%, two transects showed 62% and one (Rowland Mountain) showed 76%. In these three areas bitterbrush plants were old and decadent, the majority of use was attributable to deer, use pattern mapping indicated slight use in these areas by livestock, and sheep only trailed through the areas in spring or fall, depending on the location.
	e. Livestock move within 7 days with notification to permittee from BLM	xx		

PAGE/ SECTION	STIPULATED ACTION	IMPLEMENTED YES / NO		REMARKS
	<p>When utilization limits are exceeded in an area used by wild horses/burros, livestock will not use the area.</p>	xx		<p>Adjustments of this type were addressed in the 1994 grazing decision, but were subject to injunction.</p> <p>On five occasions in 1994 BLM informed the permittee of areas that were exceeding desired utilization, some from horse use and some from previous livestock use. All five times the permittee was directed to keep livestock from further use in these areas.</p>
Page 4	f. Annual adjustments based on actual use		xx	<p>Adjustments of this type were addressed in the 1994 grazing decision, but were subject to injunction. The annual operating plan should provide the opportunity to address any problem areas. Actual use and average utilization of the allotment does not suggest the need to adjust #'s at this time.</p>

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	Carrying capacity annually established.		xx	Carrying capacity determination on an annual basis has proven to be unrealistic due to the analysis required. Stocking rates were evaluated from the stand point of utilization, use pattern mapping and condition and trend in 1994. The overall conclusion was that an adjustment from current activity levels was not warranted.
	Wild Horse & Burro adjustments every 3 years	xx		Wild horses were adjusted in the N. Twin Peaks Home Range in 1994. Wild horses will not be removed from the Twin Peaks Allotment until a multiple use decision that addresses all users can be issued.
	g. Livestock herded away from aspen stands	xx		
	h. Sheep camps and bedding not on sage grouse strutting grounds	xx		

PAGE/ SECTION	STIPULATED ACTION	IMPLEMENTED YES / NO		REMARKS
	i. No livestock on Rowland Mountain after 7/15 - exception is sheep trailing	xx		
	Alternate east and west side of Rowland Mountain	xx		
	j. South pasture not to have two years consecutive use before 7/15 - no early use on Skedaddle CMA	xx		1994 was a south pasture turn-out year. This year will be north pasture, no use is anticipated prior to 7/15.
	k. Eliminate 3/1 use in Dry Valley - stagger turnout	xx		The annual operating plan will provide the opportunity to address these areas- both by the area of turn out and the numbers. In 1994 actual turn out occurred 3/30/94 and staggered turn out from that date.



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	l. Bi-weekly coordination with permittee on livestock movements		xx	This is not a requirement under the current agreement, however, the annual operating plan will provide the opportunity to address the need to provide more consistent information on movements of livestock.
	m. Turn out based on range condition	xx		
	n. Permittee file plan for use to meet terms & conditions prior to turn out	xx		
	Permittee to notify BLM 5 days in advance of proposed changes.	xx		
Page 6 Modifying AMP	a. Delete 10% cattle numbers over early turn-out line		xx	The annual operating plan will provide the opportunity to ensure this is met.
	b. Delete AUM "flexibility"		xx	Permittee has not exceeded preference in any of past three years.
	c. Eliminate "water sacrifice areas"		xx	This is old terminology that will be eliminated with the re-write of AMP.

PAGE/ SECTION	STIPULATED ACTION	IMPLEMENTED YES / NO		REMARKS
Timing of Decisions	Issue Final Decision by 2/1/94	xx		
	Annual grazing authorizations to be issued no later than 2/1 of each year.	xx		