

2-24-94

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

MEETING FOR TWIN PEAKS ALLOTMENT

THURSDAY, FEBRUARY 24, 1994

ESPIL SHEEP RANCH

10:47 A.M.

---oOo---

SUSANVILLE, CALIFORNIA, THURSDAY, FEBRUARY 24, 1994

---oOo---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

MR. NADER: Maybe, Joe, you had a comment you were going to make as far as letting everybody know what your part of the meeting is and why you are here for the county.

MR. BERTOTTE: For those of you who don't know me, for the record, I should say, I'm Joe Bertotte. I'm the assistant director of Community Development. What we do in our department is the land use planning work for the Board of Supervisors along with a lot of other jobs that they have us do. They would like to have me here to basically provide input as I can so the participants have an idea what the existent county policy is, where we may be going with county policy as it relates to grazing and also to offer any assistance that the county may be able to give as far as resolution as far as any conflicts that may be forth coming or that we are in the middle of now. I'm willing to help if I can.

MR. BURKHARDT: I find it interesting and appropriate that after all these years you have been dabbling in grazing matters, this is the first time I ever saw the county in the case they hardly recognized that occurred.

MR. BERTOTTE: We think it's interesting that nothing has really come about as far as a proclamation of what the county thinks about the relationship of wildlife grazing,

ELLEN E. HAMLYN, C.S.R

(916) 597-2944

see 111  
& 125

1 range issues and so on. We are as we speak --

2 MR. BURKHARDT: Absolute as a player?

3 MR. BERTOTTE: Yes.

4 MR. BURKHARDT: The last year or two?

5 MR. BERTOTTE: About a year. We were accidentally  
6 invited to a function and we were advised what was going on  
7 and, of course, that really perked up our ears. As we speak  
8 right now, the county is working to clarify for one and all  
9 what the existing local land use policy is, at least on the  
10 Lassen County side.

11 As far as grazing range, wildlife habitat issues, a lot  
12 of you may know, but I will say again for the record, that we  
13 are working on an updated statement of the what the county's  
14 policies are and we are working closely with the agricultural  
15 community. Glenn is pretty well quarterbacking that part for  
16 us and we anticipate coming up with a clear, more easily  
17 understood set of policies. We will also have some  
18 implementation and we expect through the federal rulings, that  
19 we will be given some credibility with that policy.

20 MR. NADER: Maybe to bring us to a focus now that I get  
21 to be administrator for the university, it seems that's what  
22 I'm doing, waking up and seeing how we focus. What the  
23 objectives of today's meeting or what are the products people  
24 hope to get out of that, I guess, so we are all focused  
25 because I see a lot of us having stuff on the table and maybe  
26 we need to get a clear idea of that. It might be pretty

ELLEN E. HAMLYN, C.S.R

(916) 597-2944

1 clear.

2 MR. PHILLIPS: If you are looking at things that should  
3 come out of today's meeting, I think out of today's meeting,  
4 we need to determine how many of these deals we are going to  
5 put together and who they are going to be presented to and we  
6 need to talk about how you want them bound and one thing and  
7 another. We have a deal up there at the office that will poke  
8 holes and you put plastic binders on where you want to put it  
9 in a book like this or something. Anyhow, we need to have  
10 some idea what the product itself will look like and then how  
11 it's going to get presented to people other than in this  
12 group.

13 MR. BURKHARDT: It would seem to me, Glenn, that we need  
14 to come to some closure, to use a good word here, on the  
15 grazing management strategy.

16 MR. PHILLIPS: Right. I've written all this stack of  
17 stuff from there to there and some of it may be good and some  
18 of it may be bad, but over in the stuff about each  
19 compartment, I have run through a scenario on AUMs for  
20 different things and then we need to look at it, see if we can  
21 play.

22 MR. BURKHARDT: That's what I mean by come to closure.  
23 Is it workable?

24 MR. PHILLIPS: We need to look at how many livestock we  
25 need to or maybe you want to talk about numbers. Maybe you  
26 want to talk about the system, but last night I sat down, for

1 instance, in this preliminary thing in Buffalo, I ran 800 head  
2 of cows when it is 1200 AUM, but then I ran a scenario of  
3 actually four different ones. I ran every one from 800 head  
4 of cows up to a thousand head of cows and when it gets over to  
5 the pounds per acre forage required between 800 a head, 56 and  
6 850, it increased it up to 58, two more pounds, you know, and  
7 then I went up to 900, come out about 59, actually 59  
8 something or other, clear up to 61, so the difference between  
9 800 head of cows in that compartment for a month and a half  
10 and a thousand head of cows in that compartment for a month  
11 and a half is that would be 15 pounds of forage per acre. But  
12 you know, we need to really -- these numbers that I have in  
13 here --

14 MR. SWAGGART: Five pounds.

15 MR. PHILLIPS: Five pounds per acre, that's all. And to  
16 me, season and rotation is a thing that interests me, but we  
17 still need to present to whoever reads this what size of an  
18 operation we are looking at. The more conservative it is, the  
19 easier it is going to be to get it into motion and probably  
20 the better it's going to work offhand. But when we present it  
21 to the public, they are going to look at those numbers and  
22 what have you and those numbers really don't -- in their  
23 minds, it means more than those numbers of livestock do to me  
24 because I'm looking at rotation and season and that type of  
25 ball game, I think, and that's where we get locked into some  
26 of these funny ball games that get played, but I ran a couple,

1 two, three scenarios and this 800 is kind of a number out  
2 here. I don't know whether that's right or wrong, but we need  
3 to go through and figure out what kind of an operation we are  
4 really talking about. I think I have enough here for a  
5 framework.

6 MR. BURKHARDT: I guess that's what you have been doing  
7 up there?

8 MR. SWAGGART: As far as objectives from our standpoint,  
9 I think it's to continue the talks about the future  
10 integration of concerns on management of this allotment and  
11 that's what Bill has put together in the first draft and I  
12 spent, I went through this thing and edited to what I think  
13 would be more appropriate wording and tried to take out some  
14 of the typos of the first 35 pages and really only got to the  
15 planning compartments.

16 One of the problems I see with the document as it sits -  
17 now is that in '89, Espils and the BLM and the Lavers and game  
18 agencies got together and developed a number of allotment  
19 specific objectives and those aren't contained in any of this  
20 discussion here at all and I think those need to be by PC at  
21 the, probably not under the introduction but before we get to  
22 the grazing management part of it.

23 MR. BURKHARDT: The table of contents had a section  
24 called the grazing objectives, but I don't know if that ever  
25 got developed.

26 MR. SWAGGART: Vicky is copying those right now so we

1 can incorporate those.

2 MR. BURKHARDT: That same table of contents is the first  
3 page under the cover page of what I gave you, Bob.

4 MR. NADER: That is a good point and we should probably  
5 pick that back up. If I go back to what I have heard thus  
6 far, Number 1, there is a concern about trying to, in my mind,  
7 what I have heard earlier, make sure the permittees are  
8 comfortable with what's being developed and that's part of  
9 this kind of like bringing it to closure. Do we have a  
10 direction? How narrow or how wide do we want to have that  
11 direction? Do we want to say we want to do this? And as Bill  
12 said, have numbers in or numbers out and not discuss numbers,  
13 but discuss an overview of allotment direction.

14 MR. SWAGGART: Glenn, I might also add that we have  
15 developed what we hope is a step wise implementation to go  
16 from the existing AMP to this more intensive management and I  
17 hope that's coming out on the computer right now and we want  
18 to talk about that today.

19 MR. BURKHARDT: That would be the kind of thing I had in  
20 mind in closure there.

21 MR. NADER: I think what he is giving us is the  
22 logistics, but I think that would work well with probably  
23 meaning the same thing.

24 MR. BURKHARDT: That was what was in my mind.

25 MR. NADER: I think that was a thing of implementation  
26 because there has already been people saying, "Gee, we will

1 just take their plan and we can implement it tomorrow."

2 MR. SWAGGART: That can't happen.

3 MR. NADER: All the wheels are driving here and I think  
4 the meeting should be to coordinate the wheels driving, but  
5 Wayne reminded me I was supposed to do something and in the  
6 middle, I thought no, that's what Bill was doing, but I was  
7 doing it on Monday afternoon and did it anyhow and pulled old  
8 meeting minutes.

9 MR. BURKHARDT: The part that I remembered you were  
10 going to do was the monitoring evaluation section, the very  
11 end.

12 MR. NADER: He told me the action plan, he gave me a lot  
13 of work. Any time I can tell the administrator to get busy.  
14 I think what we are challenged with today is it looks like  
15 we've got several documents in front of us and how we proceed  
16 to get to the things of having the question here of how we  
17 come to a closure. We've got -- should I say now -- what is  
18 your section, Bill? Conceptual management approach?

19 MR. PHILLIPS: I tried a couple different things along  
20 this livestock management strategy for the Twin Peaks  
21 allotment. I finally wound up, I like that one the best. I  
22 don't know if I plagiarized it. I called it a concept. No,  
23 this is --

24 MR. NADER: And Wayne, let me throw something up. The  
25 piece, the earlier two chapters, Wayne, that you wrote was  
26 evolution?



1           MR. BURKHARDT: I wrote an introduction in which I tried  
2 to lay some broad goals of what we were trying to do and what  
3 this is all about and a cover page that clearly says this is  
4 you guys plan, not ours and I think that's an important thing.  
5 It's not our plan, we are simply assisting you. That's what  
6 that says, it's your plan, so I'm not trying to force anything  
7 on you that isn't yours. Then there is the evolution and  
8 biology and then there is a history of grazing use and that's  
9 what I have just passed out to everybody.

10           MR. SWAGGART: Essentially, this draft that Bill  
11 prepared, the livestock maintenance strategy, is essentially  
12 Chapter 3?

13           MR. BURKHARDT: Or whatever. It's the next one.

14           MR. NADER: What did we have on that front page? It was  
15 actually six, but I think we need to maybe get a table of  
16 contents and then we can work through those today and that  
17 might help us get where we need to get. Let's hammer that  
18 front page. Wayne put this together and I put it up on the  
19 flip chart last time. What do you see in the front there? Do  
20 we want to whittle that down? What are some suggestions?  
21 We've got probably an intro that is not on there, is it?

22           MR. BURKHARDT: What I actually had was an intro and  
23 then all of this. Simply sets the tone so it's coming from  
24 you guys.

25           MR. NADER: Does everybody agree the intro should be the  
26 first thing and the history should be second or should it go

1 evolution the way it is?

2 MR. BURKHARDT: I think evolutionary history and  
3 management page should be next and then the history of grazing  
4 use. In fact, there's little difference. If you look on the  
5 small print, here is a table of contents in a little different  
6 order that may be more appropriate.

7 MR. NADER: You got on your, Wayne, on the second page?  
8 On Wayne's second page, the table of contents. He's already  
9 got a table --

10 MR. BURKHARDT: Intro, the management implications of  
11 the evolution, history of grazing, goals and approaches, those  
12 three items are contained in that packet and the management  
13 action, I guess what I did that to what Bill put together,  
14 strategies plus the local map that you guys are working on.  
15 That whole thing is management, I think, and I don't know if  
16 we need that last section.

17 MR. NADER: I think that's -- let's put that for a  
18 discussion item.

19 MR. BURKHARDT: You took a stab at management actions  
20 summarizing --

21 MR. NADER: What Bill said and I think it can be pulled  
22 a lot more. I took four meeting minutes from the word  
23 processor, jammed them together and started pulling out  
24 extraneous things that weren't important and so essentially,  
25 this is our meeting minutes and tried to get them down to what  
26 we discussed during the meeting that were action items. But,

1 I think let's -- I always look towards the easiest. Everybody  
2 but Stan has probably had a chance -- let me back up. I think  
3 I heard more comfort level with Wayne's table of contents. Am  
4 I correct in that assumption or am I incorrect? Maybe I  
5 shouldn't worry about it, just proceed? That's a moot point?  
6 Let me go to where I was going to go.

7 MR. BURKHARDT: Can we take the cover page first? What  
8 I'm interested in is two things off that. First of all, this  
9 was a proposal, it's not a plan. I want to make sure  
10 everybody is comfortable with that and in the next thing down  
11 there, it says prepared by and submitted, prepared and  
12 submitted by Espil Sheep Company and Laver Ranch with the  
13 assistance of all these people. Is that the way you want it?  
14 I damn well don't want it to be my plan.

15 MR. JOHN ESPIL: I think that's good.

16 MR. BURKHARDT: I'm working for you guys at this point..

17 MR. JOHN ESPIL: I think that's good. What do you guys  
18 think?

19 MR. SWAGGART: That's fine.

20 MR. NADER: Can we add Stan on it, too?

21 MR. SWAGGART: Sure, as far as typed page, that's fine.

22 MR. NADER: Can we add Stan's name to it?

23 MR. BOLTZ: Okay, put my name on it.

24 MR. NADER: I figured that would change your mind.

25 MR. BURKHARDT: The names weren't as much a concern as  
26 whether that posture was appropriate.

1 MR. JOHN ESPIL: I think that was the intent originally  
2 when we got together.

3 MR. BURKHARDT: That was my understanding.

4 MR. PHILLIPS: All this stuff I have written.

5 MR. JOHN ESPIL: That's all part of the process.

6 MR. BURKHARDT: We were doing this with the idea of  
7 helping you guys come up with a proposal.

8 MR. NADER: Giving you a target to shoot at.

9 MR. BURKHARDT: One other thing, I would sure like to  
10 see us take whatever steps we need to hold this whole thing  
11 together if it goes out beyond us or when it does, make sure  
12 it goes out as a package and not pieces. I do not like it  
13 going out in pieces because there is some early stuff that  
14 sets the background so it needs to hang together as a unit.

15 MR. NADER: We have gone over the cover page, the  
16 introduction went out in July and I think everybody had a  
17 chance, hopefully had a chance, but maybe not. I guess let me  
18 delve in and let me ask. Is there a comfort level on this  
19 information at this point or do people want to read through  
20 it? I don't think we have time to go line by line on all the  
21 documents today, but do we want to review this or is this kind  
22 of a good direction and is everybody fairly comfortable and  
23 want to just say let's go ahead? Two decisions, we can review  
24 it or go ahead as in the table of contents for this time.

25 MR. SWAGGART: Are you talking about reviewing it right  
26 now?

1 MR. NADER: That's a good point. Probably we ought to  
2 break it out. We can review it now, review it with time or  
3 move on and review it with time or move on and say it's fine?

4 MR. BURKHARDT: Bob hasn't had a chance to read it, I  
5 don't think, but I assume, John, you did.

6 MR. BRENT ESPIL: I read it. Wayne, did you guys have  
7 heartburn?

8 MR. JOHN ESPIL: No, I think it was good.

9 MR. NADER: Carolyn has it on disk. It's 5.1 Word  
10 Perfect, but she might have fun on 5.0 on other parts of the  
11 document.

12 MR. BURKHARDT: I think we should not say anything that  
13 would --

14 MR. NADER: It was more of a framework of how things  
15 have evolved based on scientific search or scientific basis.

16 MR. BURKHARDT: One part on historical use that you  
17 wrote, I don't know whether there's been an update on that.

18 MR. PHILLIPS: There is a deal up to my office that was  
19 typed up that --

20 MR. BURKHARDT: There was some corrections we made at  
21 our last meeting on this.

22 MR. PHILLIPS: I have a corrected copy. If you have  
23 another copy that you want me to do some more polishing, I  
24 will take that, too.

25 MR. BURKHARDT: I don't have a corrected copy and I  
26 didn't mail the corrected copy out to anybody.

1 MR. PHILLIPS: The gal up in the office is making  
2 corrections.

3 MR. BURKHARDT: That is the historical use. If you pull  
4 or stapled by section --

5 MR. SWAGGART: I will tell you guys that I have serious  
6 doubts that I will have any problem with what either of you  
7 guys said in the introduction and the preface and all of that  
8 to all this stuff.

9 MR. BURKHARDT: If you do, it's easy to get it  
10 corrected. I would like you to read that when you have --

11 MR. SWAGGART: That's what I would like to do.

12 MR. PHILLIPS: I guess in the end, the final wording  
13 that is in here is up to John and Brent and Ron.

14 MR. NADER: That is true.

15 MR. PHILLIPS: That is their -- it's their document and  
16 what I put in there, it's what appears to me to be reasonable.  
17 It should be some place to start from and if they got  
18 something in there that they are uncomfortable with, they are  
19 welcome to change it, I won't have my feelings hurt. I may  
20 even disagree with it, but nevertheless, it is your document.

21 MR. NADER: The one thing I handed out was there was  
22 comments on the graph that was previously sent out. It's been  
23 suggested thus far I take the numbers off and that graph goes  
24 in historical use, right below the reference in historical use  
25 to show the AUMs using the chart that Bill had in there and I  
26 used --

1 MR. BURKHARDT: The last page of historical use should  
2 be that revised graph.

3 MR. NADER: I will make this larger. Bill wants it  
4 larger and I will take the numbers off. What I want to ask  
5 people, is that the way you like it with unknown horse  
6 numbers, because I threw it out with horse numbers and we were  
7 criticized that there was no data that was available at that  
8 time and so I used 9,000 ADUs as an assumptive number that I  
9 thought could go either way. I could change that number to  
10 whatever people feel more comfortable with because that's what  
11 15,000, the first year it was recorded.

12 MR. PHILLIPS: What happened -- okay, there's no way  
13 that we just don't know how many horses were out there in this  
14 period, that is an unknown. We do know that after the horse  
15 law was passed, the horse population, assuming it went up and  
16 increased and it was something less than --

17 MR. BURKHARDT: The only thing I see on that, maybe it  
18 ought to be crosshatched, the shaded black versus the solid  
19 black.

20 MR. PHILLIPS: That's just an unknown.

21 MR. BERTOTTE: How do you know horse numbers went up?

22 MR. PHILLIPS: How do we know? I don't, except that  
23 from the first time we counted them until the next time we  
24 counted them, that's the trend that they always increase.

25 MR. BERTOTTE: When was the first time you counted them?

26 MR. PHILLIPS: Prior to the time that the horse law was

1 passed, the horses were being gathered by people that run  
2 horses, so they were holding that probably went up and down  
3 and what have you and we don't know what it was, but from the  
4 first time we had it counted up, we know that it climbed.

5 MR. BERTOTTE: Isn't there any way you can have some  
6 kind of representation from somebody, even a private operator?

7 MR. PHILLIPS: No, I don't think so, because --

8 MR. BURKHARDT: It's a safe assumption, once the law was  
9 passed, that interfered with the removals that had been going  
10 on customarily for many years.

11 MR. BERTOTTE: I follow. I'm trying to give you  
12 something that people aren't --

13 MR. PHILLIPS: Even, you know from the first count with  
14 fixed wing, we couldn't make a good count with fixed wing.  
15 Then we went to helicopter and got a better count and once the  
16 counters get to know the country and all that, they get a  
17 better count. I don't think we can say how many horses were  
18 out there.

19 MR. BURKHARDT: I don't think we need to. If you look  
20 at the graph and the impression it leaves, that is the  
21 impression we want to have.

22 MR. NADER: So the nine is fine?

23 MR. BURKHARDT: The significance of that, we made major  
24 reductions in grazing pressure.

25 MR. NADER: If numbers were going to be the answer, they  
26 should have been there a long time ago.



1 MR. PHILLIPS: I would prefer to just show that it was  
2 there, that there was horse use.

3 MR. NADER: Just take the number out totally, just show  
4 cattle use and leave that statement on the bottom?

5 MR. PHILLIPS: Say horse numbers unknown.

6 MR. SWAGGART: Who has a problem with the way it's done  
7 here?

8 MR. JOHN ESPIL: I don't have any problem with it, but I  
9 have a comment and question. I would like to know is some  
10 time in the '60s, the Jenkins Ranch lost well over 50 percent  
11 of their active preference some time after the res judication,  
12 but I don't know if we can. Have those AUM been accounted  
13 for?

14 MR. PHILLIPS: As far as I can tell looking at the BLM  
15 record, that, and it says in my write-up that you know these  
16 are not necessarily 100 percent valid figures because I can't  
17 reconstruct the record that well, but according to the  
18 records, this was what happened on --

19 MR. JOHN ESPIL: If anything, I would say that the AUMs  
20 in 1960, the authorized AUM, may be a little bit low, not too  
21 much, but a little because those AUMs, I found some documents  
22 in the Jenkins file that showed that they had -- Carolyn, do  
23 you know?

24 MS. CAROLYN ESPIL: Jacobs files?

25 MR. JOHN ESPIL: Well over 10,000 AUM, and we picked up,  
26 I think, a little over 3,000 when we bought it. I think that

1 even with the reduction that we had during res judication, I  
2 think there was 3,500 or 4,000 AUMs that were counted for and  
3 there was litigation that caused the loss of those AUM in the  
4 '60s after the transfer from Jenkins. It wasn't Occidental at  
5 that time or it may have, their non-compliance with the  
6 non-use and the things in the Rimbach District, they lost 100  
7 percent of the preference in Rimbach because of non-compliance  
8 with the requirements.

9 MR. BRENT ESPIL: Also, if you want to go back farther,  
10 is what Coops told me the other day. Donald called me and  
11 Lawrence Holland ran cattle. There was 10,000 head of cattle,  
12 10 to 12,000 head of cattle on his book. Don was late '40s,  
13 early '50s. It was never under 10,000 head of cattle ran.  
14 That was Lawrence Holland before the Winnemucca bunch was put  
15 in. That was Granite Mountain to Smoke Creek. That was over  
16 their adjudicated AUM, but he says he still has the books on  
17 it and shows the numbers he ran. The actual numbers were  
18 higher than what the AUM numbers were assessed upon.

19 MR. JOHN ESPIL: I don't know if it's a moot point or  
20 not.

21 MR. PHILLIPS: Okay, here's the basic thing is down here  
22 to the end, it says this history is presented to show that  
23 grade reductions of livestock and wild horse -- I should say  
24 wild horses and horse use have been mainly Twin Peaks this  
25 Allotment in the base use a lot, so they have a management  
26 program if needed.

1 MR. JOHN ESPIL: That is the bottom line.

2 MR. PHILLIPS: That is at the point rather than the  
3 existing number.

4 MR. JOHN ESPIL: We can overlook that, I have no  
5 problem.

6 MR. PHILLIPS: In here, you know, I don't know two or  
7 three places in here, the thing is we know that that took  
8 place and we still got some of these problems. That's the  
9 point of the whole thing.

10 MR. JOHN ESPIL: It's not anything really important, but  
11 I know there were additional authorized, it was authorized  
12 used.

13 MR. PHILLIPS: You know if you find a record of that and  
14 you can bring it to me, we can change the figures.

15 MR. JOHN ESPIL: I would rather be safe that way.

16 MR. PHILLIPS: It still shows the same thing.

17 MR. BURKHARDT: The reason we put that in there, and the  
18 Game Department people have said time and again, "God damn  
19 Bureau and Espils have never done anything out there," and  
20 there has been monumental strides made and yet there are still  
21 things that need to be done and that's why that is in there.  
22 They need to have their nose rubbed in it that there has been  
23 things going on.

24 MR. JOHN ESPIL: I would rather be safe.

25 MR. BURKHARDT: You got documentation that that bar on  
26 the graph is an underestimate, then change it.

1 MR. PHILLIPS: I did not go retrieve the records from  
2 the record center in Washington, D.C. and reconstruct what  
3 happened out there, but I want to say that was the whole  
4 purpose of the thing was to make a point that there has been a  
5 lot of reduced use and it hasn't, you need to go forward.

6 MR. JOHN ESPIL: We got a little question, I'm sure,  
7 because from what I can gather, there was about 10,000 active  
8 and when we bought it, we picked up around 3,000. After the  
9 suspension, there was 7,114. I think the reduction was about  
10 a 50 percent, it was settled on the courthouse steps in Reno.  
11 That's the settlement.

12 MR. BURKHARDT: How much would that change that bar on  
13 the graph?

14 MR. JOHN ESPIL: 3,000 AUM? Not much.

15 MR. BURKHARDT: Raise it 30 per livestock to 3,800?

16 MR. NADER: About 38,000.

17 MR. JOHN ESPIL: That's all right, let's keep that as a  
18 cause.

19 MR. NADER: But know we've got more room in there if we  
20 need to. Really, if someone wants to argue over the numbers,  
21 we can go back.

22 MR. PHILLIPS: I didn't research it that far, I was  
23 trying to demonstrate that.

24 MR. BURKHARDT: A general pattern.

25 MR. PHILLIPS: And this has happened all over the west  
26 that the livestock numbers have come down and even where they

1 got the horses down, you know, you still got some basic  
2 grazing issues that still remain and rather than just take  
3 another big walk out of the permit, if you do, at some point,  
4 I guess you solve the problem, but they don't leave you much  
5 of an operation by the time you get through solving it that  
6 way.

7 MR. NADER: What I heard was leave the unknown horse  
8 numbers there, just crosshatch them, leave them about 9,000  
9 and I think that was the only comment.

10 MR. BOLTZ: I was just thinking as a suggestion, could  
11 you possibly put a footnote for that? I haven't seen the  
12 graph, but you are talking about the second bar there. Is  
13 that the one that looks low, the first one? I was just  
14 thinking maybe you could put a footnote and say these numbers  
15 are apparently somewhat low due to some other records.

16 MR. JOHN ESPIL: Whatever you guys think.

17 MR. BOLTZ: If you wanted to add it.

18 MR. JOHN ESPIL: Just leave it the way it is or add that  
19 footnote.

20 MR. BURKHARDT: The other thing we talked about on that  
21 graph, Glenn is extending the size of it on the vertical  
22 access.

23 MR. NADER: The one side note, Carolyn will love this,  
24 that is an Excel file, so I can pull it in to Word Perfect and  
25 we can put it anywhere in the document any size, any shape.

26 MR. BURKHARDT: Particularly extend that vertical

1 access.

2 MR. PHILLIPS: And in my introduction here, it says,  
3 "Information presented for the early years is very general in  
4 nature." It says the information presented for the latter  
5 years mostly precise, but still based on some assumption. The  
6 important point is there has been a radical reduction in  
7 grazing use from the points in time when grazing use peaked.  
8 I mean, that and the exact number, I don't think we are ever  
9 going to know and I chose not to spend a lot of my time trying  
10 to come up with some exact number. I got other things to do.  
11 If somebody else wishes to do that, fine.

12 MR. NADER: Can I maybe move this along? Probably we  
13 can ask Bob and Stan to review that in portions and then any  
14 comments, get those back to John and Carolyn?

15 MR. SWAGGART: You bet.

16 MR. NADER: That takes us on to --

17 MR. PHILLIPS: While we are at it, the final product,  
18 okay, getting a hard copy typed up and all that, that's known  
19 to be in your court.

20 MR. JOHN ESPIL: Pardon me?

21 MR. PHILLIPS: I mean the ball is in your court for  
22 getting a find of this stuff all typed up, ready to bind,  
23 okay?

24 MR. NADER: We can help you because I prefer to see it  
25 on a laser jet printer.

26 MR. PHILLIPS: There's got to be some focal point that

1 says this is the product and put it together so they all jibe  
2 and one thing or another.

3 MR. JOHN ESPIL: Okay.

4 MR. PHILLIPS: And feel free to call on me, but I mean,  
5 the ball is in your court, so to speak.

6 MR. JOHN ESPIL: Sure.

7 MR. BERTOTTE: A technical thing, is this going to be  
8 the parts that other people have done, are they going to be  
9 available in electronic format?

10 MR. BURKHARDT: They already are, I shipped the disk to  
11 Glenn.

12 MR. NADER: I got the disk. Carolyn has a copy of that.  
13 All these chapters Carolyn has a copy and I have a copy on  
14 disk, so we have that much and what Wayne is saying, we need  
15 to merge all those into one document on one file on the disk  
16 which is probably a smart move other than it moves a lot  
17 slower on certain computers.

18 MR. BURKHARDT: Otherwise, we get it bits and pieces in  
19 different places and we want the whole package.

20 MR. NADER: My suggestion is I can work with you, John  
21 and Carolyn, to get this out and we can use our laser printer.  
22 We can get a final copy that we can change print size or do  
23 anything like that. Everybody comfortable with that portion?

24 MR. BOLTZ: Can I just throw in maybe an idea for the  
25 introduction? I read through it, and you guys can tell me if  
26 this sounds bad or not, but on the second paragraph, the last

1 sentence or second to last sentence, I just to kind of drive  
2 the point home, I changed that second to last sentence to  
3 read, "On other sights where native plant species have been  
4 lost to excess woody plant encroachment, the absence of fire,  
5 range cover requires more than a," I changed it to, "Removal,  
6 reduction or simple change in grazing management strategies of  
7 herbivores," just with the idea that somebody might read that  
8 and say, "Well, we don't really need the seeding and  
9 controlled burning or brush control," because the sentence  
10 after that says along with -- it's kind of implied in that  
11 sentence after that.

12 MR. BURKHARDT: The whole point was to say that you are  
13 not going to correct those problems by simply grazing  
14 management, removal of grazing or managed grazing isn't going  
15 to solve the problem.

16 MR. BOLTZ: Right.

17 MR. BURKHARDT: And strengthen, that's fine with me.

18 MR. PHILLIPS: Some of these compartments, I say that  
19 over and over.

20 MR. BOLTZ: It says, "More than a reduction or removal,"  
21 and I just added, "or simple change in grazing management  
22 strategies," just to kind of drive the point home. It's  
23 implied there.

24 MR. NADER: You use the word simple was the word that  
25 hit me, simple change in grazing.

26 MR. BURKHARDT: Grazing strategy.



1 MR. SWAGGART: Where did you add that?

2 MR. BOLTZ: After "More than," instead of more than a  
3 reduction, I said, "More than a removal, reduction or simple  
4 change in grazing management strategies of herbivores," or  
5 something to that effect.

6 MR. BURKHARDT: Reduction, removal or simple change  
7 isn't going to do the job. Three things?

8 MR. BOLTZ: Right, you need a combination.

9 MR. BURKHARDT: That's better, stronger.

10 MR. BOLTZ: If it sounds good, just an idea.

11 MR. BURKHARDT: Seeding and controlled burning along  
12 with controlled grazing management will be required.

13 MR. BOLTZ: Along with, you need the combination of  
14 those things.

15 MR. NADER: I called it conceptual management. What did  
16 you call the next chapter? Management action or management  
17 goals and approaches to resource issues?

18 MR. BURKHARDT: The goal is in that part put together.

19 MR. NADER: You got the goals?

20 MR. BURKHARDT: Yeah.

21 MR. NADER: Let's turn to that page.

22 MR. BURKHARDT: That is after the biology. It's after  
23 the grazing history, excuse me. There is a section, should be  
24 a section in there. I thought I wrote one. It's in front  
25 following the introduction, immediately following, there is a  
26 section, Management Goals and Approaches to Resource Issues.

1 going to lean on you guys real heavy. If you turn to the  
2 front page on mine, I threw out issues that have been  
3 identified because I have a rotten suspicion that someone is  
4 going to look at this document and say, Bill already heard it,  
5 "Have you talked about this? Have you talked about that?" In  
6 other words, if I was somebody that was concerned about this  
7 allotment and you had the second page in this thing and you  
8 had the issues, I'm not married to this idea of having issues  
9 identified. I'm just throwing it out to see if people think  
10 it's a valuable thing to have on there and I bet there's  
11 things I have missed, but some sort of a check list. Bill has  
12 it in the table, in his discussions there. He discusses all  
13 these issues. I just didn't know whether it would be valuable  
14 up front to say, "Here are some of these issues we have  
15 addressed or we think are out there," to validate because you  
16 will spend all day validating whether this is important or  
17 not. Just say, "Here are some of the issues," so I threw that  
18 out for discussion.

19 MR. PHILLIPS: I guess the issues are fine. I have the  
20 issues that continually going to meetings that -- well,  
21 particularly about Twin Peaks, I guess. Five hundred times we  
22 have said what the issues are and I don't see that that has  
23 bought much. The problem is to come up with something,  
24 solutions to issues, not to continue to restate the issues.  
25 That just I'm so sick and tired of issues in Twin Peaks, I  
26 want to go get drunk when I hear somebody mention it. And of

1 MR. BOLTZ: I didn't mean to get us going on a line by  
2 line.

3 MR. NADER: We need to find some of these things,  
4 essentially, Wayne, that probably need to be changed in your  
5 table of contents, so somehow we need to highlight that a  
6 little more so it stands out.

7 MR. BURKHARDT: After I wrote that, I thought it needed  
8 to be up front, the broad goals of what you guys are trying to  
9 do. One issue that you maintain a viable operation, you want  
10 to say somewhere pretty close to the front, and that paragraph  
11 following it probably doesn't contribute anything of  
12 importance to anything, it's just verbiage, but Glenn gave me  
13 the assignment management goals and approaches to resource  
14 issues, so I had to write something.

15 MR. BOLTZ: So you think you may want to add that to the  
16 table of contents?

17 MR. NADER: I would certainly think you want to  
18 highlight it and move it up front.

19 MR. BURKHARDT: That's why that space is there.

20 MR. NADER: Best write it in there. John, move it up  
21 above history.

22 MR. BURKHARDT: I thought it was important that we say  
23 that up front what you are trying to do is damn well keep a  
24 viable operation within the framework of the functioning  
25 system out there.

26 MR. NADER: And I threw something together and this, I'm

1 course that's what I have done in this. The way I have  
2 approached the strategy is, it recognizes some of the these  
3 things, but I'm looking for --

4 MR. NADER: In a discussion format, not a listing  
5 format, you talk about the issue and here's how we are going  
6 to go after it.

7 MR. SWAGGART: These issues were also forefront and  
8 center in '89 when we were going through the AMP review  
9 committee and the issues have not changed.

10 MR. BURKHARDT: I offer --

11 MR. SWAGGART: Deer and cattle and horses.

12 MR. BURKHARDT: There is something to think about. In  
13 the introduction at the end, I say it is for the purpose of  
14 addressing these and other resource issues as to achieve  
15 better grazing management. You people are putting this  
16 together or offering this. We can simply stick that list in. .

17 MR. BERTOTTE: Including, but not limited to.

18 MR. BURKHARDT: And be done with it.

19 MR. BRENT ESPIL: The issues as we go through each  
20 planning compartment can be addressed as the issues contained  
21 in each compartment. Somehow we are going to address the  
22 issues when we get into the grazing strategies.

23 MR. BURKHARDT: What I have done in the introduction is  
24 identify two major issues, one was the deer thing and the  
25 riparian thing and I think for the purpose of addressing those  
26 --

1 MR. PHILLIPS: In the way I have dealt with this, I have  
2 come up with a section about pronghorn, a section about  
3 riparian. This says if we do -- my approach is not the same.  
4 When we do this, this will do this for these different groups  
5 of animals and things rather than setting it up in the  
6 straight objective form that we are trying to meet. It says,  
7 "Do this, this is the problem that will deal with it." See,  
8 you double the size of this document very easily and it's  
9 already too fat.

10 MR. NADER: It's going to be hard to bite through, I'm  
11 just throwing it out. I have a concern that there is no way  
12 you can list all the issues. I tried to read part of what  
13 Bill had and then go back and list issues and gosh, there's  
14 probably something I forgot here and so I was worried, but I  
15 guess my approach was whether you thought it was valid. I  
16 hear there are some major concerns with listing it; is that  
17 true?

18 MR. SWAGGART: I don't think so in the context of  
19 listing it. As I think Wayne suggested, stick it in there in  
20 the last paragraph, just parenthesis, including data.

21 MR. BOLTZ: One thing you might do, too, is just make  
22 some of those people aware that we didn't look at just cows  
23 and horses, you know. We are thinking about a lot of these  
24 other things.

25 MR. SWAGGART: The part that Bill has prepared, they are  
26 going to see exactly that that was looked at by the planning

1 department.

2 MR. BOLTZ: I haven't had a chance to look at that.

3 MR. NADER: I think we are going to have trouble to get  
4 people to force them to read all this. That's going to be the  
5 problem. They are going to want to find one section and  
6 figure it out, so somehow we are going to have to try and get  
7 it in a format.

8 MR. BURKHARDT: And when we start running with one part  
9 of it, say, "Wait a minute, you obviously didn't read the  
10 report. Go back and read it before you bother me with this."

11 MR. NADER: The other thing I bring up is maybe if  
12 something should be up front about --

13 MR. PHILLIPS: We decided we are going to pick those  
14 issues up and put it in Wayne's at the end. Was that a  
15 decision?

16 MR. NADER: Yes.

17 MR. PHILLIPS: Let's get some kind of notation so we got  
18 that.

19 MR. BURKHARDT: List issues.

20 MR. NADER: Then I jumped to the other one that is what  
21 again Bill deals with, and from what I hear is some of the  
22 constraints that somehow we need to be up front to people in  
23 my mind, but again, I'm not married to this. I'm just saying  
24 we've got some problems that are beyond the permittee's  
25 control, that are going to hinder this concept from happening.

26 Now, Bill, maybe you feel that you have addressed the

1 ability to work with the wilderness study areas and the wild  
2 horses, but I think we ought to be honest somewhere and say  
3 that.

4 MR. PHILLIPS: I have made notations here. For  
5 instance, here on the place it could be seeded. However, if  
6 you are going to do it, you can't do it with a drill and you  
7 have to do it with native species where we said, and I keep  
8 talking about the wild horses, not being able to build fences  
9 everywhere we want to.

10 MR. BURKHARDT: I thought those constraints surfaced  
11 very forcefully in the discussion that you developed there.  
12 I'm not sure in my mind we need to list those. It doesn't  
13 really -- just listing them doesn't tell the reader why they  
14 are constraints and it's developed here why each of those  
15 things is a constraint. I think we could dispense with that,  
16 in my mind.

17 MR. BERTOTTE: I was going to suggest if you want to  
18 keep it, you might rephrase it being you want constraints to  
19 succeed. If you don't think it's going to work, then don't  
20 put it in front of them. This thing is going to be a success,  
21 you might phrase it as being issues that the permittee has no  
22 control over.

23 MR. SWAGGART: Some of them are going to be constraints.  
24 The success of this, of management by planning compartment and  
25 control of the livestock by the planning compartment is  
26 absolutely do the construction of fences.

1           MR. PHILLIPS: We know up front that Dawn Lappin is  
2 totally opposed to one more mile of fence out there. She told  
3 us that.

4           MR. SWAGGART: You would agree with me we have to.

5           MR. PHILLIPS: Nevertheless, to solve our basic, it  
6 almost comes down to this. If we are going to have cattle out  
7 there, cattle very specific and manage them in a way that we  
8 can make this thing function and the way we can go in and seed  
9 certain areas and protect those areas and that type of thing,  
10 I don't know how -- I guess we can have some degree of success  
11 without fences, but I see fences as being a very important  
12 part of this or it almost comes down to -- I don't know what  
13 it comes to push and shove on some of it, it almost comes down  
14 to if you don't have fences, maybe you ain't going to have  
15 cows, you know.

16           MR. NADER: It certainly puts a damper on this plan.

17           MR. PHILLIPS: It limits us to what we can do and they  
18 have an excuse.

19           MR. SWAGGART: I tell everybody if that's the Bureau's  
20 position, we are going to have cows out there.

21           MR. PHILLIPS: That's not necessarily the Bureau's  
22 position, that's the position for us to do. To encompass the  
23 thing we need to encompass, we need fences and when we put the  
24 fences in, we are going to have one segment that is going to  
25 face us and without the fence, we got some things we can't do  
26 and a whole bunch of people that are going to fight us on



1 that, so we got that type of problem.

2 MR. BURKHARDT: I don't think that contributes anything,  
3 that listing isn't enough of an explanation why those are  
4 constraints. We have already got that developed here.

5 MR. NADER: I think the main point was just make sure  
6 people didn't think, this is something you can slap in  
7 tomorrow and there will be no problems and that, but --

8 MR. BURKHARDT: It's developed.

9 MR. NADER: Is everybody comfortable with that?

10 MR. BURKHARDT: The whole goals you wrote are almost the  
11 same thing?

12 MR. NADER: They are meeting minutes, so you follow  
13 meeting minutes very well.

14 MR. BURKHARDT: I didn't have the minutes.

15 MR. NADER: You did, too. Essentially, all this is your  
16 meeting minutes that I took and reorganized them so it's no  
17 different, but again, that follows everything that Bill does  
18 because when I read Bill's, that is pretty much everything  
19 that is in there. I guess what that brings us to, then, is  
20 the -- what did you want to call it? Wayne, what is your  
21 title for it in the table of contents?

22 MR. BURKHARDT: Management actions.

23 MR. NADER: Management actions. Bill, maybe you can  
24 give us an update as to where we are with that section.

25 MR. BURKHARDT: Your strategies.

26 MR. PHILLIPS: This? Okay, I have, as far as I'm

1 concerned, I have completed this. I have not seen the hard  
2 copy of the completed stuff that I have presented, but this  
3 needs to be looked at, but see, and I picked up a number of  
4 places with misspelled words and I made some little changes in  
5 here that she doesn't have for correction yet, so basically, I  
6 don't think it takes much to finish up what is in the  
7 computer.

8 MR. BURKHARDT: Bill, did you get reference in the Lower  
9 Smoke Creek PC? I think I commented to you on the phone about  
10 the down cutting and rating that morphic process when the lake  
11 dried up?

12 MR. PHILLIPS: Yes. That is now in there, yes.

13 MR. BURKHARDT: Because all these bastards think that's  
14 only because of man's use of the land that we got these creeks  
15 cut.

16 MR. PHILLIPS: I treated that as being one of the  
17 contributing things and you are cited in the literature.

18 MR. BURKHARDT: I get a citation once in a while.

19 MR. PHILLIPS: The way they start.

20 MR. NADER: Let me throw out to the group maybe how we  
21 can approach this. There is a couple of ways I see. Either  
22 we can take what Bill has and have the permittees edit it or  
23 we can have Bill give us an overview now, make some general  
24 comments on the overview of what's in there for those who  
25 haven't read it by going through the map and making general  
26 comments and then having an edit session. What is the

1 pleasure?

2 MR. BURKHARDT: Who hasn't read it?

3 MR. SWAGGART: We have begun editing it. As a matter of  
4 fact, we are up to the planning compartments part of it and  
5 some of the editing that we did is minor, of course, and some  
6 of it are maybe sensitive to the way something was said and,  
7 for instance, on the second paragraph of the first draft here,  
8 it talks about BLM does not have clear cut objectives or  
9 output objectives where, and I don't think we agree with that  
10 because that's what we spent a year doing. We have the  
11 objectives from AMPRC and they haven't been implemented as AMP  
12 objectives as yet, but they are objectives that we and the  
13 permittees and the Game Department agreed to.

14 MR. NADER: Do you feel more comfortable?

15 MR. BURKHARDT: The next sentence says that.

16 MR. PHILLIPS: Let's go back to my perspective of that  
17 is that we are now going through an umbrella plan in which we  
18 are going to come up with, we are going to relook at this  
19 whole thing and you know, I don't -- I'm uncomfortable saying  
20 that the Bureau in fact has objectives that are that firm to  
21 me in spite of what they went through.

22 MR. NADER: But again, I think I don't want to get us  
23 tied up on line by line. I think the concept is how do we  
24 want to proceed. We want to just let the permittees edit it  
25 at this point or a brief overview and discuss the general  
26 direction. I think the concern Bill had with me were the

1 numbers and he kind of thought the numbers.

2 MR. BURKHARDT: I don't think we need Bill to give us a  
3 brief overview of the thing. I think if there is wording like  
4 that, Bob, any of you guys are uncomfortable with, edit the  
5 thing and it's your document and make it comfortable and if  
6 any of us think that that's a mistake when we get a draft back  
7 of the thing, we can deal with it. I don't want to get line  
8 by line, either, and I'd rather get into this, where do we go  
9 from here? Is it going to work?

10 MR. PHILLIPS: I guess it don't bother me if you want to  
11 leave this in or take it out, but my perspective from what I  
12 know that is going on right now, I am a BLM employee, I am a  
13 little uncomfortable that we don't have and this is  
14 something --

15 MR. BURKHARDT: I see it as a bit of combination of the  
16 Bureau that they don't have it.

17 MR. SWAGGART: Let's back up from the AMPRC objectives.  
18 We know we have land use objectives and existing AMP  
19 objectives and that is without a doubt, whether the AMPRC  
20 objectives have been adopted or not, I can understand and that  
21 is left up in the air. If they were agreed upon, they haven't  
22 been implemented as AMP objectives and that is right.

23 MR. PHILLIPS: What I have down right here doesn't have  
24 clear cut specific objectives about what is expected for some  
25 specific areas.

26 MR. SWAGGART: Is that supposed to be of outputs or

1 outputs --

2 MR. PHILLIPS: Of outputs expected for the specific  
3 areas of the Twin Peaks allotment. To me, I guess that kind  
4 of -- I think that's where we're at. For instance, if we go  
5 out some places, it's getting pretty clear, but you know, for  
6 instance on -- we don't have a definite plan for Twin Peaks  
7 developed to my level of what I look at the objectives as  
8 being. I do have a feel for what is expected, for instance,  
9 enroll the mountain, running off the bitterbrush and we like  
10 to have not so much deer die, these type of things.

11 MR. SWAGGART: Those general goals?

12 MR. PHILLIPS: Yes, and these are what I perceive these  
13 as the list is down here.

14 MR. SWAGGART: As we edited that, I left every one of  
15 those in there.

16 MR. PHILLIPS: Those are all things that you know.  
17 Those are the direction of what we have, but for us to say for  
18 instance, on Skedaddle, what do we really expect in total from  
19 Skedaddle? There's enough from the direction that says what  
20 might happen, but we got those three springs right there that  
21 have been identified for concerned wildlife agencies and yet,  
22 what is really objective of each one of those springs? What  
23 are we really looking at? I feel the statement hasn't been  
24 made in my mind clear enough yet, so you can do with it what  
25 you want.

26 MR. SWAGGART: I do agree with that part of what you

1 have said is that some issues or concerns or whatever have  
2 additionally been raised by others including the Game  
3 Department since they sat down and agreed to these objectives  
4 and that's right. For Five Springs complex, there is no  
5 objective listed. What's one of the other ones? Morgan  
6 Springs, there is no objective listed and that's right and I'm  
7 not sure that we should be managing 365,000 acres on the basis  
8 of what happens at Morgan Springs. I think it's absolutely  
9 irrelevant what happens on the allotment, but it's relevant to  
10 the point we need to exclude it from livestock so we can get  
11 that, then I think the Espils say, "Fine and dandy, build a  
12 fence."

13 MR. PHILLIPS: And we are in the same track except to  
14 me, I want some place in writing to say this is what we want  
15 out of this spring and if that calls for fencing it, then  
16 fence it, but I don't see that yet. I think we are going to  
17 get there.

18 MR. NADER: Wayne, could you go over your statement  
19 again that you said because I didn't catch it very well.

20 MR. PHILLIPS: He wants to get over to the compartments.

21 MR. BURKHARDT: It seems to me, unless there is  
22 something fairly sizable that you guys have got heartburn  
23 over, I'm comfortable with letting you edit it. However, at  
24 this point, and I would like to see us get on to taking this  
25 information on to the next step of making sure it's a  
26 functioning grazing plan. If you want to change some words

1 like you were just talking there, I don't have any problems  
2 with that.

3 MR. SWAGGART: I guess the only other thing I would have  
4 heartburn is, and there is conclusory statement in here  
5 somewhere that the current AMP has been a failure and I don't  
6 agree with that.

7 MR. PHILLIPS: Where did you see that? Okay, "Grazing  
8 system, Wayne? First major step has resulted in observable  
9 improvement over portions of allotment. However, it has not  
10 brought about overall improvement." Where are you at?

11 MR. SWAGGART: That's the part I'm talking about.  
12 "However, it has not brought about overall improvement."

13 MR. BURKHARDT: I can tell you one thing, that it would  
14 help if pages were numbered.

15 MR. NADER: Sorry about that. You can't find anything  
16 there.

17 MR. SWAGGART: That's the part I have a problem with.  
18 The way that's said, Bill, is that it's essentially a  
19 conclusion that has been a failure except for a little part of  
20 it and I think we need to focus on the positive rather than  
21 the negative and the first place, if we look at the trend  
22 data, there is no doubt that since that AMP has been in  
23 effect, it's stopped downward trend that was going on before  
24 it went into effect and, in fact, it resulted in some upper  
25 training in some areas.

26 MR. NADER: Maybe if I can stop us and get back, I think

1 there's probably going to be some concerns. What I heard  
2 Wayne say is we've got a draft here, let it be reviewed.  
3 Probably go through a review stage or at least editing stage  
4 and that can come back out or it could just be again the  
5 permittee's document and they can just take what they have  
6 here and progress forward with what they want the verbiage and  
7 the things to say. This is a target that we threw out to try  
8 and get them to shoot at and assist in getting thoughts  
9 organized, but the thoughts again have to be the permittees  
10 because I think the concern I know that the rest of us have  
11 that don't have a portion of it is this has got to be a  
12 document you are ready, warm with and ready to live with,  
13 because once it hits the street, we may have the unfortunate  
14 thing happen that somebody says, "Let's go with it," and I  
15 think that is the biggest heartburn a lot of us have and we  
16 want to make sure you are comfortable.

17 I mean, life's been a nightmare for you, but let's not  
18 just because it's been a nightmare say, "Sure, we are willing  
19 to do anything under the sun." I think that was what Bill was  
20 talking to me, his concern about the way this thing is set up  
21 and the way you could address it through compartments and some  
22 of the horse problems and everything and the numbers, it  
23 really needs some real soul searching on everybody's part here  
24 whether you really want to make that step, so I guess I would  
25 say, is everybody comfortable that we've got a draft here,  
26 that it would be to review and does it need to come back to us

ELLEN E. HAMLYN, C.S.R

(916) 597-2944



1 as a gripe or does it need to go just to the permittees to  
2 review it and have a final document?

3 MR. SWAGGART: I say let's edit it and get it back to  
4 everybody for review. I don't want to be making broad  
5 statements that -- I mean, this group has been involved from  
6 the get go and I don't want to be making broad statements that  
7 don't have the support of everybody here. We may disagree on  
8 certain semantic parts of it, but I want the con --

9 MR. NADER: Conceptual?

10 MR. SWAGGART: That's right. The way we see this, and I  
11 want to know if anybody sees it any differently, we see this  
12 in good measure, as Bill has said here, is that the current  
13 grazing AMP and the grazing system, if one chooses to look at  
14 it this way, it's a first step towards more intensive  
15 management and certainly more intensive management could be  
16 elected to be done on this allotment. We don't see any  
17 failure of the AMP to look at the data to accomplish the AMP  
18 objectives and the land use plan objectives. That doesn't  
19 mean, however, more intensive management can't be implemented  
20 over time and have even more positive results and I think we  
21 are all in agreement on that, but if anything, this thing has  
22 been a dismal failure. I want to know now and I want to talk  
23 about that.

24 MR. NADER: I think the concept I have heard is the  
25 present system has made improvements, but it's limited now to  
26 move on. We've got to make some changes. The system --

1           MR. BURKHARDT: I have a statement about that in the  
2 introduction. This is ironic that within the past several  
3 years, just as BLM, the permittees were beginning to come to  
4 grips with the grazing problems at Twin Peaks, the level of  
5 criticism and continued controversy directed the Bureau and  
6 permittee has brought that managing effort to a stand still,  
7 that criticisms and threat of litigation coming from  
8 Environmental Mule Deer Foundation and the Game Department and  
9 so on and so forth. I tried to set that tone, Bob, already.  
10 You guys were working on, the Bureau and Espils and Ron, were  
11 working on the problem and making headway and I said that in  
12 other places here, but suddenly you found yourself embroiled  
13 in a version that wouldn't let you continue.

14           MR. NADER: That's probably better stated. Those intend  
15 to --

16           MR. SWAGGART: I think that is a fair statement.

17           MR. BURKHARDT: Those intend to say what's going on.

18           MR. JOHN ESPIL: I think the '92, the addendum to AMP  
19 was the last official attempt at revising or refining or  
20 making changes that benefit the allotment and we feel that  
21 that has been successful, we met the objectives of the  
22 addendum.

23           MR. BURKHARDT: Several places in this document we  
24 commented on improvement on some sites and some range areas  
25 has indeed occurred and others it hasn't occurred and for  
26 reasons often related to something other than just livestock

1 grazing.

2 MR. SWAGGART: That's true.

3 MR. PHILLIPS: Do you have a problem with these six  
4 things I've got listed here?

5 MR. SWAGGART: Not with 1 and 2. It's about a quarter  
6 of an inch into the document, find alternate deferred grazing  
7 and you will be there.

8 MR. NADER: You do like the charts, don't you?

9 MR. SWAGGART: Focusing on the six issues, 1 and 2 I  
10 don't have any problem with. Three, the first problem I have  
11 is it starts talking about the system as though it's in the  
12 past tense and it's not, but that's a semantic thing. In  
13 general, the statement that's made there is right. Some  
14 grazing is allowed in the north pasture every year, but when  
15 you look at the utilization patterns, we've got 90 percent  
16 plus of the acreage is in light utilization, which is zero to  
17 40 percent, an average of 20 percent utilization. I say I can  
18 graze a pasture or an allotment to that level of use every  
19 year without detriment. That doesn't mean that some areas  
20 can't receive more attention and we don't disagree with that,  
21 that's why we are here, but I don't want to leave the  
22 impression in this document that because there is back to back  
23 grazing, per se, that's necessarily bad. At that point, we  
24 have to look at what is the result of that grazing and  
25 certainly if that back to back grazing was in the 50 to 60  
26 percent range in the growing season every year, I wouldn't edit

1 this at all. That would be a potential problem, but back to  
2 back grazing, per se, doesn't mean anything. If it's 10  
3 percent, 20 percent, 30 percent, what difference does it make?

4 MR. BURKHARDT: I guess what I see, the fact they are  
5 back to back and they are not evenly distributed has caused  
6 some portions of that area --

7 MR. PHILLIPS: This has caused some areas to receive use  
8 each year.

9 MR. BURKHARDT: I agree that it's slow progress.

10 MR. PHILLIPS: I guess that in itself would be no  
11 problem except we've got some of those areas. I agree the  
12 area is getting pretty damn small, like last year where it  
13 applies to those spots. If you want to change it to read that  
14 way, I don't have any heartburn about that because our  
15 utilization shows --

16 MR. SWAGGART: One percent allotment, 365,000  
17 acres, I think that's pretty damn good. I don't want to leave  
18 the impression we are sticking our head in the sand here and  
19 not wanting to proceed because that's not true, but I also  
20 don't want general statements in here that are not as precise  
21 as they can be.

22 MR. PHILLIPS: Can you doctor that up?

23 MR. SWAGGART: Sure. Four is okay.

24 MR. NADER: If I can back off of this, as much as this  
25 is important, I think we might be bogged down in this and I'm  
26 concerned that we need to probably keep moving.

ELLEN E. HAMLYN, C.S.R

(916) 597-2944

1 MR. PHILLIPS: I guess you want to start with  
2 compartments, you want to move to compartments?

3 MR. NADER: I'm throwing that out as a suggestion. That  
4 would be one way to quickly run through this because I think  
5 it's the big picture went out of this group. We've got the  
6 fine picture that can be altered, it's the big picture.

7 MR. BURKHARDT: I want to know if the Espils can see a  
8 way of taking these grazing strategies that Bill put together  
9 for you and arranging that so you got a workable place to go  
10 with the cows.

11 MR. SWAGGART: With modification, the answer is yes.

12 MR. BURKHARDT: I would assume maybe that's what we need  
13 to walk through.

14 MR. NADER: Where are the tight spots? Go ahead.

15 MR. SWAGGART: From an editing standpoint, I want to let  
16 you know that I want to put in the AMPRC objectives related to  
17 these compartments as closely as we can fit them. They were  
18 called sub-use back then.

19 MR. PHILLIPS: There is some variation, but it's not so  
20 great that for all practical purposes, they are kind of  
21 somewhat of a match because the country didn't change.

22 MR. SWAGGART: That's a good reason why. The other  
23 thing that I think is lacking is a discussion of what the data  
24 to date says about the current AMP and I think we can put that  
25 in as an appendix or whatever.

26 MR. BURKHARDT: Discuss the trend data?

1 MR. SWAGGART: Or break it out between the planning  
2 compartment and the key areas in each planning compartment.

3 MR. PHILLIPS: I have no problem with that.

4 MR. SWAGGART: I think for purposes of balancing the  
5 importance of our current discussions in each of these things,  
6 we should talk about how much of our current acreage is in  
7 these planning compartments.

8 MR. PHILLIPS: When that map was made, I asked for a  
9 readout off the digitizer how much was on private and how much  
10 riparian is on public land. It turns out that they don't have  
11 it figured out that that will spit that out at this point in  
12 time.

13 MR. SWAGGART: Let me tell you what we have done is take  
14 it off the riparian functional assessment that you did last  
15 fall so we have some kind of handle and I know some of those  
16 acreages are estimates.

17 MR. PHILLIPS: I asked for that to come off the  
18 digitizer and it's even like Lower Smoke Creek would not, part  
19 of it shows as being riparian just gone through there because  
20 of the size of the pixel that it takes and if it don't fit on  
21 there right, then it shows it's not there, so my intent was to  
22 get a chart that size this is on private land, this is.

23 MR. BURKHARDT: If you got access to that information, I  
24 would like to see it in there.

25 MR. SWAGGART: Okay, we've got it.

26 MR. PHILLIPS: My intent was to put it in there.

1 MR. SWAGGART: From an editor's standpoint, that's the  
2 basic things that need to be changed for all necessary things.

3 MR. PHILLIPS: You see, and then, on soil sites,  
4 compartments, I tried to get a more accurate readout on soil.  
5 Well, I have now in my possession a readout of percentages of  
6 different soils like in a compartment, how much this soil and  
7 how much, but it seems like maybe it's a little late to enter  
8 it in, you know, but I did look at the range of the productive  
9 capability or capacity of each compartment which made a  
10 general statement. If I was doing this over now, I could put  
11 some percentages to different capacities which paints a clear  
12 picture. Just like on elevation, that came off of the  
13 computer instead of saying that some of this, the bulk of this  
14 lays between 4,400 feet and 6,600 feet, 75 percent of it does,  
15 come right off our machine and that tells you something about  
16 this compartment with data rather than --

17 MR. NADER: Getting them out there.

18 MR. PHILLIPS: Then the general statements --

19 MR. BURKHARDT: Is it worth going back?

20 MR. NADER: Picking up the soils?

21 MR. PHILLIPS: I don't necessarily know that it is.  
22 It's like this, I don't want to take that much time. It could  
23 be done. I can underline this. I can give you the data.

24 MR. SWAGGART: That might be worth having since we need  
25 to go in and edit those things that I just talked about  
26 anyway.

1 MR. PHILLIPS: It's something I intended to do, but I  
2 did not have that at that time.

3 MR. SWAGGART: If that's relatively easy to get by  
4 planning department, I would just as soon put that in there.

5 MR. PHILLIPS: The machine will run it off and it shows  
6 Buffalo Compartment is a hell of lot less product and than the  
7 mountain.

8 MR. SWAGGART: Thank God for computers.

9 MR. PHILLIPS: But that sounds logical to you and me,  
10 but in dealing with the game agency, you can go back to some  
11 of those people's minds, we should expect to grow bitterbrush  
12 in Buffalo that we do not have the capability.

13 MR. SWAGGART: No matter what Bill Phillips and Bob  
14 Swaggart say, we should be growing bitterbrush.

15 MR. PHILLIPS: I think that type of data in here has a  
16 value.

17 MR. SWAGGART: That's based on the soils?

18 MR. PHILLIPS: Yes.

19 MR. SWAGGART: Let's put it in there.

20 MR. PHILLIPS: That limits your capability. You want to  
21 enter that in there, hey, I will give it to you.

22 MR. SWAGGART: I got another question.

23 MR. PHILLIPS: It's the percentage of each one of these,  
24 so you have to break it into some kind of bracket and/or you  
25 can merely refer to this and put this in the appendix.

26 MR. BURKHARDT: Make an overall table.



1 MR. PHILLIPS: Make an appendix showing all these soils  
2 and put in the back.

3 MR. BURKHARDT: Then when we get to the point of needing  
4 it --

5 MR. LAVER: And it's not cluttering up the inside.

6 MR. SWAGGART: General readership, it's enough to know  
7 it's 200 to 900 pounds.

8 MR. PHILLIPS: But say here see appendix so and so and  
9 all you have to do with that, you don't have to do any  
10 figuring whatsoever, all you got to do is take the sheets and  
11 Xerox them and put them in the reducer so they fit.

12 MR. BURKHARDT: And put a page number on it.

13 MR. PHILLIPS: So when you put your binder on it, it  
14 doesn't chop out the left-hand side the way they are.

15 MR. SWAGGART: I have another question for you on that,  
16 then. If we change the boundaries of these PC's, how badly is  
17 that going to screw you up?

18 MR. PHILLIPS: If you change the boundaries of the PC  
19 with the machine we have, once the data -- the time consuming  
20 thing is to put this information in that machine.

21 MR. NADER: Where the boundaries are?

22 MR. PHILLIPS: Where all the soils are, where the  
23 elevations are and all this stuff, it's very time consuming.  
24 Once that's done, you can change the boundary.

25 MR. SWAGGART: You can change an artificial line  
26 anywhere you want.

1 MR. PHILLIPS: That machine will pick up this stuff out  
2 of the data bank that is there and you want to do soils. I  
3 would say once you got this all in there, she can run this out  
4 in five minutes or 15 minutes for a compartment.

5 MR. SWAGGART: That's one of the things Brent and I  
6 talked about, some of the PCs. We think some of the  
7 boundaries need adjustment.

8 MR. PHILLIPS: We certainly recognize that line, that  
9 isn't the line I drew. In fact, that's the line that Ken  
10 Fisher did.

11 MR. SWAGGART: We will change that. Shall we start off  
12 talking about what I did here was attempt to put on this map  
13 the planning compartment boundaries from this yellow map and  
14 then put in the grazing system, proposed grazing system that  
15 Bill worked up in the first draft.

16 MR. PHILLIPS: You have to understand -- I never did  
17 figure up a grazing system.

18 MR. SWAGGART: I stand corrected.

19 MR. PHILLIPS: I did not figure up a grazing system, I  
20 merely dealt with each compartment as to what could be done in  
21 that compartment. I gave Brent some maps and said, "Draw us  
22 out a system."

23 MR. BRENT ESPIL: I never have gotten those maps.

24 MR. PHILLIPS: But anyhow, the thing is, you have to  
25 take what I tried to get in here limitations by seasons, some  
26 of the limitations that go -- I did not attempt to make a

1 system and that's what we can do today.

2 MR. SWAGGART: Let's do that.

3 MR. PHILLIPS: And the numbers, the numbers are merely  
4 there as a base line from which we add cattle or take away  
5 horses or do this or that. We've got something to start from  
6 so in a matter of a little bit, we can see what -- see like  
7 here, this little deal for these. See, once you have this,  
8 then you can take them and make a change and figure it out  
9 very rapidly and one of the questions I think we need to  
10 address today for each one of the compartments are these  
11 reasonable figures and I haven't said they are reasonable or  
12 unreasonable or --

13 MR. SWAGGART: Right or wrong?

14 MR. PHILLIPS: Right or wrong, this is merely like  
15 setting a grazing stage because I wasn't trying to solve the  
16 whole problem.

17 MR. SWAGGART: How do we want to refer to what you said  
18 here, Bill?

19 MR. NADER: The compartment?

20 MR. SWAGGART: Let's just start running through it.  
21 When we get done running through what is in the first draft  
22 that everybody has read, we've got another overlay with some  
23 green marking to show changes in boundaries and changes in the  
24 grazing proposals by PC that we think will result eventually  
25 in a more intensive system.

26 MR. PHILLIPS: That's fine. I'm open to that.

1 MR. SWAGGART: Let's start with Buffalo. Should I put  
2 that overlay up to start with? Let's take a break.

3 (Break taken.)

4 MR. NADER: Go ahead, Bob.

5 MR. SWAGGART: We put another overlay up here and we  
6 took it down because it makes things too cluttered, but this  
7 is the Buffalo Planning Compartment as it's laid out in this  
8 match and here is Buffalo Hills. Bill's draft there manages  
9 those the same two ways and we don't see any disagreement with  
10 that. We think that's pretty much the same kind of country.

11 MR. PHILLIPS: The only reason that became a different  
12 thing, that was kind of a horse corner and looking at that,  
13 you know, a little different way. As far as the management  
14 goes, they ever want to go up in there --

15 MR. SWAGGART: So one of the things that in our revision  
16 is we are simply taking this division out of here and calling  
17 this whole thing Buffalo, this boundary up here. I don't know  
18 why it's placed where it is, and we think it a more  
19 appropriate boundary is the gap along the North Fork, the rim  
20 around the North Fork down to Buffalo Meadows Ranch and so we  
21 moved that down. We moved this boundary in here a little bit.  
22 I will put that other overlay up in a minute, but generally,  
23 we don't have any problem with the idea once this thing gets  
24 finally implemented with 800 cattle in there. The only  
25 change -- here is a change that Bill put in there and maybe we  
26 should talk about trailing up the North Fork as needed. Was

1 that intended to be trailing up or trailing down?

2 MR. PHILLIPS: Stay up, it really was meant if you got  
3 cows up there, they can be trailed back through there without  
4 being -- without getting -- because sooner or later, you are  
5 going to get some cows in there and the only way you can get  
6 them out is take them down.

7 MR. SWAGGART: First when I looked at this, I saw the  
8 5/10 to 5/15 date that Bill has put on there and I wrote on  
9 here no need to trail because you are going to be out of there  
10 by the middle of May and as I thought about it, I also thought  
11 if you are coming home from Stone Corral, you are coming that  
12 way, so that trailing as needed is going to stay in. This is  
13 a whole lot of country and we have edited or are in the  
14 process of editing it to talk about starting these cows out of  
15 here 5/15 and have the thing totally cleaned by 5/31 and the  
16 reason for that is when it's finally fully implemented, you -  
17 are going to be going to either Black Mountain or Chimney with  
18 a bunch of cows or Rowland or Stone Corral with a bunch of  
19 cows as we see this thing. What is the next planning  
20 compartment?

21 MR. PHILLIPS: Let's talk about that a little bit. My  
22 concern in Buffalo, and I don't know what the date is, it's  
23 basically one step off of the bottom, but there is a date out  
24 there that you need to be out of there and I was looking at  
25 5/15. I think if you are out of there by 5/15, you are  
26 certainly going to get all the regrowth and stuff you want.

1 5/31, maybe, maybe not, I don't know. My experience with this  
2 system in the past has been that we leave cattle behind or we  
3 try to stretch the off date and when you do that, that system  
4 falls apart in a hurry.

5 I've set up two or three of these and walked off,  
6 working great, and walked off and somebody said we are going  
7 to leave them a bit longer and you go back and you are in  
8 trouble.

9 MR. SWAGGART: Our intent will be moving 5/15, but the  
10 problem is Stone Corral may not be ready 5/15.

11 MR. PHILLIPS: I think I put that in someplace. It says  
12 really when you are going to move is going to depend on when  
13 Stone Corral is ready or Black Mountain or Rowland.

14 MR. SWAGGART: The only function of that period from  
15 5/15 to 5/31 is try to get those cows to split out in two  
16 herds and get them up there, but for the practical sense, 5/15  
17 to the target date if the soils are wet in Stone Corral, we  
18 have to wait a few days.

19 MR. BURKHARDT: If they are too wet up there, the  
20 grazing season --

21 MR. PHILLIPS: Is going to be longer, the growing season  
22 down there will be extended a little bit.

23 MR. BURKHARDT: That should work.

24 MR. PHILLIPS: But this is a matter of you don't want to  
25 wind up with some absolute set date, it has to be somewhere in  
26 that area, but with some variation, but they certainly have to

1 be out of Buffalo so that you get regrowth.

2 MR. BURKHARDT: And don't lose sight of what the purpose  
3 of leaving was.

4 MR. SWAGGART: We are talking about regrowth.

5 MR. PHILLIPS: Once you put it in motion and work with  
6 it, you are going to find out what that date is.

7 MR. SWAGGART: You are talking about growth in the  
8 riparian areas and the other ones?

9 MR. PHILLIPS: Yes, uplands. Of course, this  
10 compartment if you look over here, what we are talking about,  
11 those red marks, riparian areas of concern and rather than  
12 trying to tackle these individually, I look at this as an area  
13 that you handle as an area with riparian in mind and you deal  
14 with it on that basis rather than trying to deal with it on  
15 individual spring basis and I think this will -- I'm convinced  
16 in my mind if you get those cows out of there and graze and  
17 get out of there and keep them out of there, that that thing  
18 will be a success.

19 MR. SWAGGART: There is no magic from the riparian stand  
20 point from the May 31 date, either, because it grows through  
21 September, but the point is get them off so they are not  
22 grinding it down to the end of season.

23 MR. PHILLIPS: But I'm also -- really, the date becomes  
24 more critical on uplands and that date is very critical  
25 because even with wheat grass seedings where I played that  
26 game and got them off there in some of areas we have seedings

1 in, got them off the end of April, the difference between the  
2 end of April and middle of May was like night and day on the  
3 amount of regrowth. That was the grazing every spring early  
4 in and out. If you get them out of there first of May, they  
5 come on like gang busters, set seed and they are ready to go  
6 with all kind of forage next year, but if you push that to the  
7 15th, just those two weeks make that kind of difference.

8 MR. SWAGGART: I've had exactly the same experience and  
9 I guess the idea is for drier years, you are going to be  
10 moving sooner and that growing period is going to be that much  
11 shorter. On water years, it's going to be that much longer  
12 and prohibited from coming up here anyway and so that time,  
13 two-week time frame in there is what we are talking for  
14 flexibility.

15 MR. PHILLIPS: And we certainly have places, Medusahead  
16 and other things, that we don't want to go to too early.

17 MR. SWAGGART: What was the next one talked about in  
18 this thing?

19 MR. PHILLIPS: Rowland, probably.

20 MR. SWAGGART: Rowland, this is the -- I'm going to use  
21 the word system because I don't know what other word to use.  
22 In the proposal that Bill put together for Rowland and the  
23 same one for Black Mountain and on this map, what I have done  
24 is alternate those because I think that's the intent, so that  
25 either Rowland or Black Mountain would be used with 400 cattle  
26 from 5/1 to 7/15.



1 MR. PHILLIPS: Or some number of cattle.

2 MR. SWAGGART: Plus or --

3 MR. PHILLIPS: If you want to talk about 5/4, I'm  
4 comfortable. That doesn't shake me up really, but this allows  
5 basically for an 800-head operation which ain't no way you can  
6 get in trouble with that if you go to boosting it up. Then  
7 you have to find out whether you get in trouble with it or  
8 not. I don't think you will.

9 MR. SWAGGART: So that's the system as proposed on those  
10 two and we don't have any problem with that. Those are bitter  
11 brush areas and in order to avoid the potential conflict or  
12 whatever at the 7/15 date is a good day to get out of there  
13 and that's, as Bill explained in the thing, that's during the  
14 growing season and so that will be alternated with rest to  
15 account for the uplands regaining some vigor from that growth  
16 there, from that grading during that time.

17 MR. PHILLIPS: In those compartments where you have that  
18 season of use, there may be some riparian areas that they are  
19 going to want to fence primarily maybe against horses rather  
20 than against cows, but anyhow, once this bottom one here is  
21 set up to really deal with the riparian issues, the rest of  
22 them, you are going to have to find which ones or you may go  
23 ahead of time and say let's do these right off because they  
24 are important somehow or other and we want to deal with it.

25 MR. SWAGGART: I agree. And we carry that idea right  
26 through our proposed implementation is that those summertime

1 use pastures, if areas are found to be needing that kind of  
2 exclusion from livestock or horses, then fencing is the  
3 solution.

4 MR. PHILLIPS: It's like good for less than three  
5 months. They have been wanting me to come up with system  
6 graze in summertime, but don't graze over 40 percent, you  
7 can't do it. I've been through a frustrating winter.

8 MR. SWAGGART: The next PC is Painter. Bill's draft  
9 talks about 400 in there from 7/16 to 10/31. The change we  
10 made to that is once we get things arranged in there, and  
11 maybe we should take a look right now at the surface acre per  
12 AUM in there, we are talking about 800 cows in there for that  
13 time period.

14 MR. PHILLIPS: Eight hundred cows for that time period.  
15 Where is the 800 coming from?

16 MR. SWAGGART: They are coming from one of these units.  
17 plus one of these units. Part of the problem of this as it's  
18 laid out if you start following, so okay, we can put 800 cows  
19 out here on Buffalo. When you get to 5/15, if you only have  
20 these two units, where are you going with the other 400 cows?  
21 You are trailing 20 miles to Dry Valley Rim. That is a long  
22 ways.

23 MR. PHILLIPS: Keep going.

24 MR. SWAGGART: We also changed this fence like between  
25 Painter and Black Mountain and I will put that up in a minute.  
26 The next one was Buffalo Hills when Bill said run in concert

1 with Buffalo and we agree with that. Black Mountain, we have  
2 talked about that. Chimney, Bill's got this virtually an  
3 exclusion area. We have changed some of the boundaries and we  
4 think we don't know what the right number of cows is, but what  
5 we looked at eventually is to pair this and this with this and  
6 this in the movement of these 800 cows, so that eventually you  
7 would have let's say Rowland being rested and Stone Corral  
8 being rested. Is that the way it would work? And Chimney.

9 MR. BURKHARDT: And Black Mountain being grazed.

10 MR. SWAGGART: Except I think we want it the other way  
11 around, either way, so that Stone Corral and Black Mountain  
12 and Chimney would be treated the same as Rowland and Black  
13 Mountain.

14 MR. PHILLIPS: Thinking about it the other night, I'm  
15 not locked into any of this stuff, but Rowland and Stone  
16 Corral were grazed at the same time and then moved to Painter  
17 and then come from the other direction, you've got this  
18 herding problem because instead of having cows here and cows  
19 up there, you've got your cows in --

20 MR. SWAGGART: Have all the cows up north.

21 MR. PHILLIPS: All the cows there so your herding  
22 problem becomes an old fast horse to run them around somewhere  
23 and run down here.

24 MR. SWAGGART: The difference in these dates, too, is we  
25 put on our dates, we put 7/15. I think we had 7/31 on Stone  
26 Corral and Chimney again to account for that. You got to be

1 somewhere with those horses and if you are gathering Black  
2 Mountain, you need a few extra days to go to Stone Corral and  
3 bring them back. What you suggested now has got some merit,  
4 but the problem that may arise is that Chimney can be a damn  
5 deal.

6 MR. PHILLIPS: Chimney is a real weak PC as far as all  
7 our stuff shows.

8 MR. SWAGGART: And I think for the sake of balancing the  
9 operation, we may want to keep that paired with one of these  
10 northern ones that's more productive if we need to run fewer  
11 cows in there when we are running there and maybe add a few  
12 more to Stone Corral that is more productive and more  
13 perennial, then we've got that flexibility to do that, but  
14 I'll look to you, Bill. It doesn't matter to me however it  
15 comes out in the wash. Then Stone Corral, Bill had in his  
16 draft that three pasture rotations or three-way rest rotation  
17 would work on that allotment of PC. The problem I see with  
18 that is it sits by itself and in order for that to work, you  
19 have to be somewhere else.

20 MR. PHILLIPS: When I wrote that, I was in a big hurry.  
21 You have to understand, a lot of this I wrote in my vacation  
22 time over Christmas. But anyhow, it's got a note on the side  
23 of my long hand stuff, "Hey, fellows, don't pay too much  
24 attention to this." I forget what it said, but anyhow, it's  
25 got a note on the side, but really, you know, that was one  
26 thing you could have done.

1 MR. SWAGGART: We think 5/15 to 7/15 or 30.

2 MR. PHILLIPS: It says there are other alternatives, so  
3 there are different things. I mean, I got no hang up. I  
4 think the Chimney Compartment is one of those things that's  
5 damn delicate.

6 MR. NADER: I like your concept of saying found those  
7 strongest, these three, and link the weakest link with them or  
8 whatever sorts out on the ground or by the numbers. Probably  
9 I would rather have Brent tell me where he thinks there is a  
10 better capability and I like that concept.

11 MR. PHILLIPS: Chimney is a real weak compartment as far  
12 as in my opinion. I'm sure there are things that the office  
13 tells us. This is a piece of country that we really need to  
14 handle with kid gloves until we get in there and see or  
15 something. That's one compartment that needs some seed put in  
16 the ground and I don't know how we are going to put it in the  
17 ground without any success, but I would like to see us go in  
18 there with a drill and drill some stuff.

19 MR. SWAGGART: That is with the middle WSA?

20 MR. PHILLIPS: It's WSA, it's one of those things we are  
21 trying to look at. WSA, we are not looking at the ecosystem,  
22 is really what it comes down to. I don't know what it's doing  
23 in WSA. We won't discuss that, but --

24 MR. SWAGGART: Let me throw this out for everybody's  
25 thought pattern. We got sheep that run out here and the  
26 possibility, a good possibility could be to aerial seed that

1 thing and run a mess of sheep over it.

2 MR. BURKHARDT: I have done that years ago in southern  
3 Idaho and made it work. Not a guarantee every time.

4 MR. PHILLIPS: The thing we have to go with there in the  
5 WSA is the native plants, whether they will accept this new  
6 species of blue bunch off the Snake River Plains.

7 MR. BURKHARDT: Near native.

8 MR. PHILLIPS: Native or not.

9 MR. BURKHARDT: That's what we are calling that now.

10 MR. NADER: Near native. I like that concept of using  
11 that. As John said, it's a dry band, you might as well put  
12 those dry use to work.

13 MR. PHILLIPS: The way I was looking at it, the sheep  
14 when you crossed and some horses in there and few burros get  
15 in there and they think you are going to trail some, I was  
16 looking at possibly trailing some cows across it or something.  
17 It's a weak PC and you got to handle it that way or it ain't  
18 going to respond. I'm not sure it's going to respond much  
19 until you go do something drastic.

20 MR. SWAGGART: Like seeding?

21 MR. PHILLIPS: Like seeding, yes, and it's like this,  
22 there is only part of it that will respond to seeding, but the  
23 parts that would respond to seeding might produce enough to  
24 make it. It's not going to be a super good PC. I don't care  
25 what you do, but you can do it so it does have some capacity  
26 which is basically what it lacks right now. The thing with

1 the sheep that go through there, some years you got stuff in  
2 there that mustard and this and that or one thing or another,  
3 so abandoned sheep go in there, so basically they are being  
4 looked after and it doesn't do that much to the country,  
5 either, and you try to put cows in there in a later season,  
6 it's going to be a problem is my opinion of it.

7 MR. SWAGGART: I want to keep in mind, this is  
8 eventually Step 2. We are jumping ahead to where we will be  
9 if everything works out the way we want it to work out and so  
10 in a minute, I will talk about what we have in mind for  
11 implementation. Going down to the south area --

12 MR. NADER: Don't you come into this winter area after  
13 that final?

14 MR. SWAGGART: Right, the Salt Marsh and Dry Valley PC  
15 are treated as winter range. The numbers here we think are  
16 low and what we would like to do is keep this as a general  
17 season, but in case Brent has to come off with cows because  
18 he's got to bring calving cows in or forced off by deep snows,  
19 it will allow him to go back out in February and that's  
20 changed.

21 MR. NADER: There was a thing in the notes, we are  
22 concerned about going beyond February or what was that date?

23 MR. PHILLIPS: The information that I have on using that  
24 type of range, and we have to find out, but really was once  
25 you get past the mid winter period, you get into the late  
26 winter period, you get into trouble on that type of range.

1 That's what that range --

2 MR. NADER: What do you mean by trouble?

3 MR. PHILLIPS: Your grouse species.

4 MR. BURKHARDT: That begins the growing season.

5 MR. NADER: In February?

6 MR. BURKHARDT: On some of those species.

7 MR. SWAGGART: We've got all kinds of wintertime use on  
8 that kind of habitat all through Nevada.

9 MR. BURKHARDT: And some of them, the point is if you  
10 stay too damn late and the shrubs are gone and you do that  
11 every year, you've got a problem. Those shrubs need to grow.

12 MR. BOLTZ: What shrubs?

13 MR. BURKHARDT: Winter vat and bud sage and shed scale.

14 MR. BOLTZ: So there is a concern you would deplete  
15 them.

16 MR. PHILLIPS: I have got that little booklet over  
17 there, but if I believe what it says, I guess I would have to  
18 say that February is not an appropriate time for those two  
19 compartments for us to get out of it what we, you know, get  
20 the response.

21 MR. NADER: Could we front load it with more cattle?  
22 Because I understand the snow concerns, this makes it more of  
23 a gamble kind of deal. Could we front load with more cattle?  
24 You got to feed hay until you go to the valley, that mixes in.  
25 Another concept is front load with a lot of cows early until  
26 you are ready to go to a valley.



1 MR. PHILLIPS: November, December and January, there is  
2 cows you put there, the amount of use you are going to use,  
3 but double, triple your cows, but you shorten your time, but  
4 my opinion from what it reads, I don't have that much  
5 experience with winter ranges. I have seen some go plumb to  
6 pot, but I'm not a winter range expert, but you know, that  
7 period becomes more critical than all the AUMs that you take  
8 off of it. In fact, after 30 years, we discovered that the  
9 season was more important than the level of utilization.

10 MR. NADER: In winter grazing?

11 MR. PHILLIPS: In that winter grazing.

12 MR. SWAGGART: Those are the concerns that I suppose if  
13 that front loading can occur, that maybe that's less of a  
14 concern.

15 MR. PHILLIPS: I think the season, and you know, to  
16 present your case, I think you want to go with the season that  
17 has been.

18 MR. BURKHARDT: The stuff out of the desert range expert  
19 points to that, once the shrubs start growing, it's time to be  
20 moving on.

21 MR. JOHN ESPIL: It's funny, I think every year is  
22 different. I have seen the bud sage in full bloom in the  
23 first part of February some years and this year it's just now  
24 budding. It's strange.

25 MR. BURKHARDT: We haven't had a cold winter, but things  
26 are slow.

1 MR. PHILLIPS: I think you need to be looking at this on  
2 a conservative side on the time that you are there. —

3 MR. NADER: You might want to tie it to plant phenology  
4 and say --

5 MR. BURKHARDT: That's what I'm driving it.

6 MR. NADER: Where on the brush do you say? When they  
7 green up on the bud sage.

8 MR. JOHN ESPIL: I have a question. What about your  
9 spiny hop sage plants that really don't start to grow until  
10 maybe along in April or March?

11 MR. PHILLIPS: Spiny hop sage was one of the plants  
12 that these other plants was the ones that get you in trouble.

13 MR. JOHN ESPIL: Spiny hop sage really wouldn't be a  
14 problem in February.

15 MR. BURKHARDT: It comes on later. I really think it's  
16 mud sage and white sage. —

17 MR. NADER: There was two things I see in our old notes  
18 that we talked about. One was if you left in February,  
19 probably most of that time the ground has been frozen in  
20 January and December and there is probably not a concern about  
21 compaction.

22 MR. BURKHARDT: I'm not worried about that at all.

23 MR. NADER: We did discuss the freezing and thawing  
24 problem, that concern, also.

25 MR. PHILLIPS: I'll quote to you from this book here.

26 MR. JOHN ESPIL: Let me ask another first, budding hop

1 sage, spiney hop and bud sage, they will bud, grow, produce  
2 foliage and then when they go dormant, all the foliage falls  
3 off, it produces a wood, it's not like --

4 MR. BURKHARDT: Certainly bud sage, it's woody sticks.

5 MR. JOHN ESPIL: Spiney hop sage you have very little  
6 foliage left once they go dormant and the season dries, all  
7 that foliage falls on the ground and when do you take  
8 advantage of those plants for the benefit of the plant? I  
9 know I have grazed bud sage and spiney hop sage tentatively in  
10 Winnemucca District to the middle of May with sheep and it was  
11 light grazing.

12 MR. BURKHARDT: When did you start?

13 MR. JOHN ESPIL: I was there all winter.

14 MR. BURKHARDT: And you --

15 MR. JOHN ESPIL: On different areas, different sites, it  
16 wasn't the same place all the time. I moved from -- what do  
17 they look for? They look for leader growth on the bud sage  
18 and spiney hop sage.

19 MR. BURKHARDT: If you keep chewing that down, it never  
20 gets a chance to get any size to it is one of the things they  
21 were concerned with. By the way, that came out of the desert  
22 range experts station. You want those plants to get a little  
23 bigger so they can produce more for you.

24 MR. JOHN ESPIL: When do you graze them, Wayne?

25 MR. BURKHARDT: A lot of those leaves that drop, I have  
26 seen cows -- I haven't watched sheep, but I have seen cows

1 lick them off the ground.

2 MR. SWAGGART: That's what I have seen. They don't eat  
3 on those types of plants, they pick it up off the ground.

4 MR. JOHN ESPIL: The desert's spiny hop sage and bud  
5 sage, so you don't graze them when they are green and you  
6 can't graze them when they are drying except foliage on the  
7 ground. When should they be grazed?

8 MR. BURKHARDT: We are grazing them dry in the winter  
9 grazing period.

10 MR. JOHN ESPIL: The only time we get benefit from the  
11 spiny hop sage or bud sage is when they start growing because  
12 the foliage isn't there, you have -- the little bud, in fact  
13 it doesn't have to be green and it's --

14 MR. BURKHARDT: They will pick at those?

15 MR. JOHN ESPIL: They pick at those, but I have always  
16 found that real interesting is you can't graze those desert -  
17 shrubs until they start to grow because once they have done  
18 their thing, it's not like grass, you are not going to have --  
19 you have grass and white sage and you have the regrowth and  
20 it's there the following year and it stays, but those two  
21 are --

22 MR. BURKHARDT: Those other two shed and I recognize  
23 that and I guess maybe in my mind, it's a problem that you are  
24 sitting on those through the growing season every year, they  
25 never get a chance to increase in stature.

26 MR. BOLTZ: Every year.

1 MR. SWAGGART: How long does growing season last? Not  
2 just the month of February.

3 MR. BURKHARDT: Bud sage starts turning brown in May,  
4 end of May, somewhere in there. It depends on where you live.

5 MR. SWAGGART: I'm interested in whatever is in this  
6 book.

7 MR. PHILLIPS: I have put some reference stuff in here  
8 that needs to get into your final copy and this is one of  
9 those references and this is what it says and I'm taking it as  
10 being something that has some validity to it. It says,  
11 "Effective season of grazing did not become apparent at DER  
12 during the first dozen years and so was not reported by  
13 Hitchinsons and Stewart, 1953. After more than 30 years of  
14 treatment, however, the most striking difference in vegetation  
15 resulting from season -- the most striking difference in  
16 vegetation resulted from season of use. For example, Homber -  
17 and Hitchinson, 1972, represented under heavy grazing, early  
18 winter, the desirable winter vat and bud sage, the moderately  
19 desired grasses and undesired shed scale all increased. At  
20 the same intensity of use in late winter," February is late  
21 winter to me, "winter vat and bud sage suffered some  
22 substantial losses and grass remained constant and shed scale  
23 increased."

24 MR. SWAGGART: That is heavy grazing use in late winter.  
25 Do they say late winter? I'm always interested in  
26 generalities. Is late winter to them what it is to you or is

1 it March?

2 MR. PHILLIPS: What this really says is that you can  
3 graze heavy in this early winter, but if you graze it that  
4 same way in late winter, you are getting into trouble and to  
5 me, this tells me that I have a problem with February use.  
6 Somewhere down the road maybe you can determine what that date  
7 is, but until somebody convinces me different, I say it is not  
8 a proper seasonal use for those two compartments.

9 MR. BURKHARDT: At least not for fairly heavy grazing  
10 every damn year. I followed that thing for years, gone over  
11 there numerous times on tours of classes and made a hell of  
12 difference. Their late winter grazing treatment, those pacts,  
13 40-acre pacts that consistently graze late winter, you can see  
14 a quarter mile away, you can see the difference in the plant  
15 community.

16 MR. SWAGGART: What was the late winter?

17 MR. BURKHARDT: About what we are talking here. That  
18 station is out of Milford and there might be a little  
19 difference and it should define that in here. I can't  
20 remember. My thinking was it was February and March.

21 MR. SWAGGART: Which is different than February.

22 MR. BURKHARDT: And that treatment caused a problem.  
23 They lost the good shrubs and it was extended for a long damn  
24 period of time, too. It was not something you saw very  
25 obviously on a year to year basis because the change took a  
26 long time.

1 MR. JOHN ESPIL: And the difference between heavy  
2 grazing and light grazing, that is the difference.

3 MR. BURKHARDT: Is it defined here?

4 MR. JOHN ESPIL: Basically, white sage, blood sage and  
5 Indian rye grass and it did well out on the flat. Soils are  
6 somewhat similar to what there is two miles away, but  
7 progressively, you find fewer plants as you come in close to  
8 the water because you've always had heavy use maybe a half  
9 mile from that water. The farther out you go, I agree if it's  
10 heavy use.

11 MR. PHILLIPS: I got a letter by Cook, Witter and  
12 Rittenhouse that talks about winter grazing and they don't  
13 really define what that is, but on this type where you take  
14 almost twice the AUM out without damage to the community, and  
15 I'm assuming they are talking about this early winter -- to  
16 me, February is late winter.

17 MR. NADER: Maybe, Bob, if you could go on with the  
18 South Compartment, I think we have kind of discussed this  
19 winter grazing pretty good.

20 MR. BOLTZ: What about when it's necessary to graze the  
21 late winter, you can maybe as needed do rotation, graze one of  
22 them Salt Marsh or Dry Valley one year. If you have to go  
23 late winter, put something like that instead of excluding the  
24 February to March grazing all together.

25 MR. PHILLIPS: Well, you might -- I don't know where the  
26 work on that is, but you might more than offset -- it's my

1 opinion until somebody shows me some different research that  
2 February, March should not be season of use for those two  
3 compartments.

4 MR. NADER: You would have less concern about level of  
5 use in this earlier period?

6 MR. PHILLIPS: Cook, Rittenhouse, they say, you know,  
7 the level of use during that season, the thing that has to go  
8 in with the hassle with the game agencies, the deer herds lap  
9 over some, but they don't use much of those compartments. It  
10 laps over the top of the hill so while they make a point out  
11 of that, the level of use there does not really bother me, but  
12 the season of use does.

13 MR. BURKHARDT: I think that sentence you read right  
14 here is important, effect of scientific knowledge of grazing  
15 did not become apparent at the desert range station for the  
16 first dozen years.

17 MR. NADER: So the root reserves of those shrubs were  
18 significant enough to take --

19 MR. BURKHARDT: You couldn't see anything was going down  
20 that hill on the late winter treatment. After a dozen years,  
21 it began to show and after 30 years, it was apparent, so it  
22 was a slow and subtle thing and it was the heavy use late  
23 winter.

24 MR. BERTOTTE: I've got a question about what Bill seems  
25 to be holding tight to the period of use on this. What is the  
26 objective with the shrubs? Is the objective to enhance the



1 shrub community to make the shrub community more competitive  
2 with the grasses or the other species?

3 MR. BURKHARDT: These are desirable shrubs that grow,  
4 the forage species that you want to maintain or enhance.

5 MR. BERTOTTE: But they are not available during the  
6 grazing period?

7 MR. SWAGGART: The lay of the land really isn't all that  
8 hot for grazing during the bulk of what is now the grazing  
9 season. Right now this area has turn --

10 MR. BERTOTTE: That's what I'm hearing John say, really  
11 the forage the plants put out is not going to be available  
12 during the period of time that you are getting squeezed into.

13 MR. PHILLIPS: That's one kind of plant.

14 MR. BURKHARDT: And to some degree, that is right, but I  
15 think it's a matter of degree, too. I'm not sure you have to  
16 be out of there in February, but you damn well ought to be  
17 aware of the fact that if you keep grazing, and particularly  
18 heavily grazing every year when those shrubs are trying to  
19 grow, you are building yourself into a problem down there.

20 MR. PHILLIPS: I guess it's like this, it's your plan.  
21 You can put February in if you want, but don't come to me for  
22 backup. I will be blunt with you, just tell you right up  
23 front.

24 MR. JOHN ESPIL: This bud sage for me, for the sheep.

25 MR. BURKHARDT: The third season, late winter and in  
26 parenthesis, March to early April.

1 MR. SWAGGART: We wouldn't be there, we are out of  
2 there.

3 MR. BURKHARDT: I thought that was in here somewhere.  
4 The plants start growing in February and initial growth period  
5 isn't a problem, but if you stay on through that main growing  
6 period which is March and April for those plants and they are  
7 going dormant in May and you do that every year, that is a  
8 problem.

9 MR. SWAGGART: That's not in our plan, the plan is to be  
10 gone.

11 MR. PHILLIPS: I mentioned just what I stated because I  
12 think we need to be conservative on those because we are  
13 looking at those communities there and I think you can get,  
14 you can put a pretty good number of cows there and get a lot  
15 of use out of the country and be safe rather than push it.

16 MR. BRENT ESPIL: I think what Bob, what we have looked  
17 at is for the February use, chances are it would not be heavy  
18 because we would be gone either December or January. We would  
19 not use February every year, but when need be, if we can't get  
20 out there in December and we get two foot of snow, I got to  
21 bring them home.

22 MR. BOLTZ: It's not going to be a yearly thing.

23 MR. BRENT ESPIL: If I brought them on in January and  
24 fed them and if February dried up and the soil was dry enough,  
25 we can turn the cattle out in February.

26 MR. SWAGGART: The way it would work is the --

1 MR. BURKHARDT: The sage increased in cover in all areas  
2 early in mid winter, but decreased on areas grazed in late  
3 winter and they define late winter as March and April.

4 MR. SWAGGART: Do they define mid winter?

5 MR. BURKHARDT: Mid winter is late November to late  
6 February is what they are saying.

7 MR. JOHN ESPIL: You know what is interesting about bud  
8 sage, and I can't belabor this, you talk about four pounds of  
9 forage per acre, potential or real, and you will see those bud  
10 sage plants go from virtually zero in January like an alfalfa  
11 plant and for sheep it's not palatable once it reaches the  
12 full bloom. It's palatable when it's in the bud stage, but I  
13 think there is a resource in certain areas it could be used  
14 periodically to trim.

15 MR. BURKHARDT: As I read that, they were. It is a  
16 problem. I kind of agree with Bill in a way. I don't think  
17 people have thought enough about that growing period for those  
18 shrubs. We need to pay attention to that a bit. Those are  
19 the shrubs we are trying to maintain. When they have heavy  
20 use over a long period of time well into that growing period,  
21 they have lost the buds, I have seen it. They were sorry and  
22 what was kind of neat, they switched the treatment on those  
23 paddocks and slowly over time brought some of those back.

24 MR. NADER: I think what Bill is trying to say, I was  
25 surprised when Ken Fisher threw out the idea as winter grazing  
26 as one of the ideas. I was surprised the same agencies threw

1 a shoe quite the way they did. They really came over the  
2 wall.

3 MR. BURKHARDT: On winter grazing?

4 MR. NADER: On winter grazing. I don't think they  
5 conceptualized the larger one, and Ken had thrown it out as  
6 one of the options.

7 MR. PHILLIPS: You want to -- the way that mantle is  
8 set, if the cow is out there the same time a deer is, there is  
9 a problem.

10 MR. BURKHARDT: This isn't deer range.

11 MR. PHILLIPS: Just the slop over, but on Dry Valley,  
12 the slop over, they only slop over when it's real bad weather  
13 and they go down and then they go back. A few might go out  
14 there, but basically, that country they are slopping over on  
15 Dry Valley, you aren't going to get many cows in, and up there  
16 is kind of same way.

17 MR. NADER: I think the point is we can show them  
18 through winter grazing how we can enhance that habitat for  
19 them. I don't think that's a problem, but I think that's  
20 something we have to get them on the ground to really see  
21 those kind of changes are going to be good for them. Maybe,  
22 Bob, you can go ahead, and people think we beat this up hard  
23 enough on winter grazing. I can call the game agencies and  
24 say November, December, January is a benefit for your wildlife  
25 without a doubt. If Brent has to turn out because the snow  
26 was so deep, that might be something that we need to work out

1 as a normal thing.

2 MR. BRENT ESPIL: I think probably what we need to  
3 do is --

4 MR. SWAGGART: Normally we would want to be there 11/1  
5 to 1/31, but if we got that deep snow, we have the opportunity  
6 to AUM in February, not March, not April, but February, and I  
7 guess the distinction to us is closing the door without  
8 consideration versus we would normally use it this way, but if  
9 it gets snowed out because of that, then we would want that  
10 gap in February.

11 MR. PHILLIPS: Go ahead and present it that way and  
12 maybe I will soften my stand, but to me, here is an  
13 opportunity to use a piece of this country and improve it  
14 and --

15 MR. JOHN ESPIL: You are going to improve it.

16 MR. PHILLIPS: I can't help but think it will improve -  
17 and here is the thing.

18 MR. BURKHARDT: Let's don't jeopardize that.

19 MR. PHILLIPS: Let's don't put that in jeopardy and the  
20 thing is, it's going to be tough to get people on the outside  
21 to understand that this change is not going to happen  
22 overnight. It's like you got plans, you want the results  
23 right now. This is going to be a very slow, like it may take  
24 10, 12 years and I think you will see a different piece of  
25 country out there.

26 MR. SWAGGART: I am heartened to hear you say that,

1 Bill, because that is one of the sensitivities I have and the  
2 Espils have about the criticism about the current AMP. It's  
3 been in place for eight years and four of those years it's  
4 been under fire.

5 MR. PHILLIPS: '86 is when it started.

6 MR. SWAGGART: '86 to '93, that's seven years. Any plan  
7 has got to have time to work and if whatever we come up with  
8 here is going to be subject to change and immediate revision  
9 within three years, we are wasting our time. We have to have  
10 the flexibility to go on.

11 MR. PHILLIPS: From what I can read here and what those  
12 other fellows have written, I feel confident that in 15 years  
13 of grazing cows out there in those three months, it's going to  
14 have improvement, but they are going to have to give it 10,  
15 12, 15 years.

16 MR. NADER: Go ahead, Bob, I think we have thrashed this  
17 long enough.

18 MR. BOLTZ: I'm going to add one thing. If it will help  
19 in terms of supporting documentation, we have about seven  
20 years of phenology data on that type of range site over at the  
21 turnoff by Empire. If you want me to get that to you guys, it  
22 might help to narrow down what that time is when bud sage  
23 comes in.

24 MR. SWAGGART: We can use it in conjunction with this  
25 report Bill has. Phenology green up is the same time when  
26 they are talking about the desert station or whatever it is,

1 then we would know that that research is compatible to this  
2 area.

3 MR. BURKHARDT: In my experience, and I paid attention  
4 to winter range a lot over the years and I value that  
5 publication highly, I think it is the authority on it.

6 MR. PHILLIPS: Here they've got utilization levels on  
7 here like these are 80, 70, 60, 50, 54, 75. These are  
8 utilization levels that are pretty substantial amount of use  
9 and Rittenhouse and Cook and those fellows, they look this up  
10 and I'm sure there must be some other stuff the game agencies  
11 may bitch and moan about those things, but this basically says  
12 if you are grazing that season, you can graze pretty heavy and  
13 you are going to get improvement.

14 MR. NADER: Go ahead, Bob.

15 MR. SWAGGART: Let's go to Five Springs. This is the  
16 line that --

17 MR. PHILLIPS: That's not the line.

18 MR. SWAGGART: Did we change that one? No, we changed  
19 this one on Smoke Creek. No, we didn't.

20 MR. BRENT ESPIL: We left the south pretty much alone.

21 MR. PHILLIPS: To me, there is a line that is much --  
22 that's a line there that I visualize being fenced is much  
23 smoother than that. You don't have that big bend, but the  
24 only way you are going to find out where that goes is go on  
25 the ground and of course you want the fence kind of hidden a  
26 little bit, but this is the compartment that really needs to

1 do seeding work in and it's got to reduce the head in it and  
2 it's a toughie. It's got quite a little potential, it's got  
3 some tremendous soils in it.

4 MR. SWAGGART: The seeding proposal that Bill had in the  
5 thing was somewhere 3 to 4,000 acres along Smoke Creek Road.  
6 We agree with that. He had a season of 7/15 to 10/31. That's  
7 not a problem for Espils. We really haven't talked to Ron, if  
8 that's not a problem.

9 MR. LAVER: That's no problem.

10 MR. SWAGGART: The hundred cows I think needs to be  
11 looked at and I think the way we are editing that is to have a  
12 variable number of cows. Ron can put his cows in there 7/15  
13 and Espils probably won't even want to go in there until  
14 September.

15 MR. PHILLIPS: They would go across there with the  
16 sheep, go across it, but don't worry about the numbers they  
17 are not a hang up with me.

18 MR. SWAGGART: Skedaddle. I got this written down the  
19 way it was written in the draft and that would be 400 cattle  
20 5/15 to 9/30 every year. That's the way --

21 MR. PHILLIPS: That's a rotation there.

22 MR. SWAGGART: Between that and Dry Valley Rim?

23 MR. SWAGGART: That changes our outlook a little bit.  
24 In order for that work, Dry Valley has to have dependable  
25 water to it and we follow through.

26 MR. PHILLIPS: For it to work, I think you got to have a



1 fence from Flat Ridge to Skedaddle Ridge.

2 MR. PHILLIPS: That fence has to be in and we need the  
3 thing done as much as possible.

4 MR. PHILLIPS: But it's like this, I don't think -- down  
5 there, there may be some horses across there, but I don't see  
6 that as being a horse traffic pattern. From there you get up  
7 on the mountain further, that's different. The only -- I have  
8 followed these horses like I did up at Burns. I do know  
9 horses from here go down here, well will dry up and they go  
10 down to the water hole and come back here and the trail here.

11 MR. SWAGGART: What is to stop cows from doing the same  
12 thing?

13 MR. PHILLIPS: That's going to have to be a herd  
14 situation here, but you know, this was a natural thing for  
15 horses, so I think that's going to be fenced, but I can see a  
16 fence coming up this far which would help some here. This  
17 fence here, I cannot see that that bothers -- these horses  
18 stay over here and these horses stay here. Have you ever seen  
19 horses go across here?

20 MR. BRENT ESPIL: No.

21 MR. PHILLIPS: The burros, they don't care where they  
22 are, they go everywhere, but I cannot see that horses should  
23 be a big item on this fence and I really don't think that  
24 there is too much of a real hassle on the ground. This fence  
25 here will be a horse problem fence. We will have to get some  
26 gates in there and do some things to deal with that.

1           MR. SWAGGART: We have suggested changing the location  
2 of that. I don't know if that's going to alleviate the horse  
3 problems or not, but it will bring it down quite a bit, the  
4 fence between here and Black Mountain. I think the way we  
5 have this written up is that on these years when Dry Valley is  
6 rested, we could come here with the cattle and the way we  
7 visualize this Skedaddle thing, until some water is put in  
8 here is that you might have a year with 400 cattle in here and  
9 they are all on Skedaddle. The next year, we would try to  
10 keep the cattle in Dry Valley Rim for as long as those waters  
11 lasted. If that meant 200 head had to go up to Skedaddle or  
12 some drifted across during that time, then that would be part  
13 of the plan. If we could keep the 400 there the whole season,  
14 that would be ideal and we wouldn't have to use Skedaddle or  
15 400, the last stay until the first of July or the middle of  
16 the July until they went to Skedaddle, but that's why it would  
17 have to work until some other waters are put in. Have I got  
18 that captured right, Brent?

19           MR. BRENT ESPIL: At least some water. It will be hard  
20 on the cattle in Dry Valley Rim with the Skedaddle higher  
21 elevation and better feed.

22           MR. PHILLIPS: You got a couple possibilities here. You  
23 can pair this up with this somewhat or with this. One of the  
24 things that come up at the meeting we had last week that I  
25 hadn't even considered very much, and Steve doesn't see the  
26 same problem to come out of this meeting, and that's a bit of

1 brush on Skedaddle. You got people wanting to impose the same  
2 thing on the bitterbrush here as they have here and here.  
3 Here and here, I think that's definitely a valid thing.  
4 Here --

5 MR. SWAGGART: For the record, you are talking about  
6 Skedaddle?

7 MR. PHILLIPS: Steve just hasn't, you know, and bit --  
8 the same thing, you go up the road or spring or something, he  
9 says the cows have really not done that to the bitterbrush.  
10 You got a different bitterbrush situation here than you do  
11 here and here, particularly when we want to think about long  
12 term is they don't have juniper here and I don't think you are  
13 going to get juniper here, particularly if you carry an ax  
14 with you and cut down the little ones. This is a north slope,  
15 this is a different, better brush situation than these two  
16 are, just different country, different slope.

17 MR. BURKHARDT: Different range site.

18 MR. PHILLIPS: It's just a different thing, so that's  
19 going to be one of the things that will be coming up in the  
20 picture. I hadn't put that much problem to the bitterbrush,  
21 but Daniel Macon who was the foundation --

22 MR. PHILLIPS: He has somehow -- another interpretation  
23 was way different and I talked to Steve and Steve does not see  
24 that problem as being there and I don't think the data, I  
25 don't think this data --

26 MR. SWAGGART: None of that suggests that the bitter

1 brush use in Skedaddle has been light.

2 MR. PHILLIPS: And the grass showed 12 percent on the  
3 bitterbrush.

4 MR. SWAGGART: Right, very light. That's it  
5 essentially.

6 MR. PHILLIPS: Between now and when we get those fences,  
7 I don't see how you can run those separately. Therefore, if  
8 you run them, I guess you have to hold them at a level that is  
9 light enough that you just buy that until you can do something  
10 different, not whether other people are going to buy that or  
11 not. You can sell it to me.

12 MR. SWAGGART: I think what you are seeing is season  
13 long grazing as long as it's light will be no problem.

14 MR. PHILLIPS: As long as it's light and this thing is  
15 in Dry Valley Rim. If you get some early water and you go  
16 down there and boy, you go over to those little holes and you  
17 salt around them a little bit and put the cows right there to  
18 start with, right off, then when they dry up, then the other  
19 stuff is coming along so they can move back on the other  
20 waters.

21 MR. SWAGGART: That's pretty much what we tried to do.  
22 The last one that we talked about is Lower Smoke Creek and I  
23 guess I need to ask Bill, is there a reason for 108, 4/1 to  
24 4/15?

25 MR. PHILLIPS: That is another figure.

26 MR. SWAGGART: We have the same idea for season of use,

1 but more cows in order to get in from Skedaddle and Dry Valley  
2 Rim. That season of use, you are going to have regrowth of  
3 your upland and certainly regrowth of your perennials, whether  
4 or not 400 is the right number or not.

5 MR. PHILLIPS: If you got out of there on time, you want  
6 to know what the response is going to be.

7 MR. BURKHARDT: Number isn't important.

8 MR. PHILLIPS: What you are really short here is about  
9 four sections of crested wheat grass someplace.

10 MR. SWAGGART: We have a suggestion for that, too.  
11 Besides Five Springs, probably Dry Valley down here by where  
12 we were, the already seeded would be a good place for seeding.

13 MR. PHILLIPS: But that's the thing that either that or  
14 with John's aid will give you Smoky and give you a different  
15 problem.

16 MR. SWAGGART: BLM could buy Casey Ranch, just give it  
17 to the Espils.

18 MR. PHILLIPS: They gave some to the Forest Service.

19 MR. NADER: I'm sorry, it was the Park Service.

20 MR. BURKHARDT: Piddley little piece.

21 MR. PHILLIPS: Probably very highly valuable.

22 MR. SWAGGART: Let me put up the green map. Brent and I  
23 went through this and made some changes to the PC boundaries.  
24 We have them right here. On the boundary of Buffalo and Stone  
25 Corral, we moved that down to the south so it's right against  
26 the north rim of the North Fork. We changed the fence in

1 Painter, between Painter and the Black Mountain PC's to bring  
2 it down more around Black Mountain. It's this one you see  
3 here, take this fence out of there and then we changed some of  
4 this boundary here between -- it went like this up around this  
5 PC and around here and down to the southwest and included this  
6 PC in Buffalo and what we do is bring it back up to Painter  
7 and our idea is to -- we got a line drawn across here for a  
8 gathering field. That is not a magical line, just one drawn  
9 there, but bring a gathering field into place between these  
10 PC's so we have a place to get to overnight and go home with  
11 them, et cetera. We essentially took the line out between  
12 Buffalo and Buffalo Hills, that's the same unit as far as we  
13 are concerned. This far eastern line, we made the old winter  
14 fence instead of up here. You are frowning, Bill?

15 MR. PHILLIPS: No, I'm just looking. The only reason  
16 Buffalo Hills exists is because that got broken out that way.  
17 That was kind of a horse hangout and if you are going to move  
18 the line, I've got, for that compartment, I have no problem  
19 moving the line there because that's the way it's going to be  
20 used in fact.

21 MR. SWAGGART: That's why we did it, it's kind of an  
22 artificial line.

23 MR. PHILLIPS: We definitely don't want any fence in  
24 between those two compartments.

25 MR. SWAGGART: Between which?

26 MR. PHILLIPS: Buffalo and Buffalo Hills.

1 MR. SWAGGART: And the fence or line, I guess, between  
2 Salt Marsh and Dry Valley, since that's all going to be  
3 wintertime line use, that's an artificial line, we took that  
4 out and I don't care what we call that PC from now on, but  
5 it's the same kind of vegetation and same kind of use and we  
6 are going to use it the same.

7 MR. BURKHARDT: Call it Smoke Creek Desert.

8 MR. SWAGGART: I don't want the word creek in any place.

9 MR. PHILLIPS: Names are important to the outside world.  
10 When we named the Eagles Nest, major error because Eagles Nest  
11 was really quite a ways off, but everybody referred to that as  
12 the Eagles Nest. Those names, if you called it Starvation  
13 Corner and put seed in, that you can sell, but names are  
14 really, they are the world on the outside. You need to be  
15 careful.

16 MR. BURKHARDT: And when I said that, that was in my -  
17 mind, we are talking about winter range and those are desert  
18 ranges.

19 MR. BOLTZ: Salt Desert PC.

20 MR. NADER: I like Stan's Salt Desert Range.

21 MR. PHILLIPS: We call this down here this compartment,  
22 this southern extension down outside, that's on our map as  
23 winter range. That's the winter range allotment, so name this  
24 something else.

25 MR. SWAGGART: Salt Desert.

26 MR. BURKHARDT: That's what it is, Salt Desert PC.

1 MR. SWAGGART: This implementation schedule that we  
2 handed out is a draft that we just whipped up this morning in  
3 trying to explain a possible implementation schedule for doing  
4 things out here and we haven't merged it between the north and  
5 south pastures. What we do is look at the north pasture and  
6 south pasture and prioritize what we think ought to be the  
7 implementation scheduling and Bill or Wayne or anybody, if you  
8 have different ideas, we are certainly willing to hear them  
9 now.

10 MR. BURKHARDT: I'm out of my league when it comes to  
11 that detail, because I'm not familiar with what you did there.

12 MR. PHILLIPS: This corner on the Stone Corral is  
13 another place that needs to be seeded.

14 MR. SWAGGART: Which corner?

15 MR. PHILLIPS: Right here, the --

16 MR. SWAGGART: Is that WSA there?

17 MR. PHILLIPS: I believe it is.

18 MR. SWAGGART: This thing gives our proposal for a step  
19 by step implementation of this thing. Obviously Step 1  
20 sitting at AMP, it's our intention to follow until these PC's  
21 can be segregated or secured or whatever language you want to  
22 use for cattle control. In the northern area, our first  
23 priority should be the Rowland fence and the Black Mountain  
24 fence and I think we have put an estimate of how much mileage  
25 of fence that's going to take. Rowland would be one and a  
26 half and the Black Mountain would be about ten miles of fence.



1           MR. NADER: I think that's important because from what  
2 we have been told that Congressman Herger is interested in  
3 seeing this thing fly to the extent he can kind of get a feel  
4 for how much money it is and as I list it in the back, there  
5 are a lot of funding opportunities that the Bureau and groups  
6 and individuals can take advantage of.

7           MR. SWAGGART: We can call it a performance required and  
8 to me that's got to be the trigger of this. If we put phony  
9 years in, that year one will have this and year two and year  
10 three and we footnote -- by the way, we don't know if we are  
11 going to have the money to do that, we are wasting our time if  
12 we agree those fences in the control has got to be secured  
13 before this management is going to be 100 percent effective.  
14 Once those are -- once Rowland and Black Mountain are fenced,  
15 then we could jump into the system that Bill outlined with 400  
16 cows plus or minus from approximately 5/15 to 7/15. If that's  
17 the first step, then all the remainder of this north pasture  
18 is still going to be as it exists now and the AMP will be  
19 followed on the remainder of that. In other words, we will  
20 slice off those cows that are normally in the herd and those  
21 will be selectively managed in the Rowland/Black Mountain, so  
22 the odd year, even year, management. AMP would still continue  
23 at that point and the same would be true for the south  
24 pasture.

25           The second priority thing that we think needs to be done  
26 is under Step 3 and that would be fencing the Dry Valley

ELLEN E. HAMLYN, C.S.R

(916) 597-2944

1 and Salt Marsh PC's. That is a long boundary, but in fact  
2 it's not a whole lot of fence there. The prints estimate  
3 maybe five miles.

4 MR. PHILLIPS: So much of that is rim and of course any  
5 of those fences that go through the horse roads have to have  
6 plenty of gates. It's possible, first really look at the  
7 ground. There may be trails the horses use that the cows  
8 don't use, but it's like this. I know that Dawn Lappin is  
9 against one more mile of fence out there, even one is too  
10 many, so we really have to leave some big openings and leave  
11 some -- put some gates in and I don't know, I played around  
12 with a deal up in Oregon and never did really prove it would  
13 work or wouldn't work, which was basically a rock deal for  
14 horses to go over that would stop the bulk of the cows. That  
15 doesn't mean a cow wouldn't go over it, but I'm convinced that  
16 we can fix things that are a barrier to most cows that horses  
17 would go over without much trouble and --

18 MR. SWAGGART: You do agree without these --

19 MR. PHILLIPS: Without these basic management tools, you  
20 can't do out here what needs to be done, in my estimation.

21 MR. SWAGGART: I agree with you.

22 MR. PHILLIPS: We don't have any problem. What I'm  
23 saying is there is opposition to fence out there.

24 MR. NADER: Dawn has put up her ultimate idea how it  
25 should be run and that's no fences at all.

26 MR. PHILLIPS: Right, there's too much fence already as

1 far as she is concerned.

2 MR. NADER: I think that is a negotiable point. —

3 MR. SWAGGART: If that's the case, we have an AMP that  
4 may not be vital, certainly not as intensive as what's being  
5 proposed by her.

6 MR. PHILLIPS: It's not in it's final say.

7 MR. SWAGGART: That's a good point, Bill.

8 MR. PHILLIPS: But we have to keep that in mind when we  
9 are putting in fences, no matter where you put this fence down  
10 here. To me, I can build a case that that's no problem to  
11 horses, but we do know this fence here, whether it's up here,  
12 everywhere you put this fence, it's going to be a problem to  
13 horses, this fence here. I know there is a bunch of horses  
14 that kind of stay on Rowland and a few more down here, but I  
15 don't think these horses go -- I don't know, this is my kind  
16 of picture because I always find these horses up here on  
17 Rowland. I don't think there is this kind of movement here so  
18 much, but here you are right in the traffic pattern here.

19 MR. SWAGGART: That is a seasonal movement?

20 MR. PHILLIPS: No, just horses go back and forth. It's  
21 like, you know, you want to get back to fences that really  
22 aren't in the way of horses. This fence here was not from a  
23 horse stand point, that was not a good fence and neither is  
24 most of this. I mean, it was like this, it was going out to  
25 maximize horses out here. That may be an alterative. We may  
26 as well look at it. Sort of take out this fence or this fence

1 here, you know? Of course, I would like to take that fence  
2 out and make Rowland Mountain about this deep, but I suppose  
3 RC would object.

4 MR. BRENT ESPIL: I think one thing the horse people  
5 should realize, especially in the Painter Flat Compartment, is  
6 probably 95 percent of the water in there is private because  
7 that is water. If the waters are fenced, those horses are  
8 going to have to find someplace else to go anyway.

9 MR. PHILLIPS: There's all kind of -- all I'm saying is  
10 these fences, you know, mark it down in your little thing that  
11 Dawn Lappin --

12 MR. SWAGGART: They have to be designed with horses in  
13 mind.

14 MR. PHILLIPS: Have to be designed with horses in mind  
15 and, in fact, she is probably going to be in opposition to all  
16 the other. Both of those groups will see these fences as  
17 being a bad thing and I don't know how they feel about fencing  
18 individual spring areas. You know, if we come up with an  
19 objective, for instance, Morgan Springs, the objective is to  
20 have a certain amount of stubble height there at all times or  
21 something and then our alternative, if we are going to have  
22 horses or cows, is to build -- I visualize two fences  
23 separating them so everything can go through the middle where  
24 the water hole is so that won't be a problem. It's that  
25 simple. If we go to just horses based on riparian, then it's  
26 just like a cow. If we are talking about each and every

1 little spring, we wouldn't have horses and we won't have cows,  
2 so two large animals there and there's lots of people just as  
3 soon get rid of both of them.

4 MR. SWAGGART: Some years we won't have deer on  
5 bitterbrush, on Rowland, there is not going to be any  
6 difference.

7 MR. PHILLIPS: If you adjust the deer use on Rowland,  
8 pretty soon you wouldn't have any deer and that type of  
9 perspective is out there and we get hammered with it  
10 continually.

11 MR. SWAGGART: I don't know how to deal with those  
12 perspectives except do the best we can to manage it.

13 MR. PHILLIPS: In here, what I have said time and time  
14 again, if this is a problem, then look at fencing those. To  
15 me, there are certain springs out there that should not be  
16 fenced. They should merely be looked at as sources of water  
17 for animals. I'm having a tough time selling that one, but  
18 that's the way I feel it should be done because we have  
19 springs. When you start messing around with them, they are  
20 really not productive. If you get a little flow into a tank,  
21 that group of horses can come up and find the hole and drink  
22 out of a spot this big and do fine. Put in a tank, the horse  
23 decides he needs to dig this hole deeper, so he demolishes the  
24 tank. You get that much water on the bottom and they can't  
25 get drinking, that is exactly what they do and I don't think  
26 we should be -- let me get back to the real world.

1 MR. SWAGGART: I agree.

2 MR. JOHN ESPIL: What happened to Steve today, Bill?

3 MR. PHILLIPS: Steve is writing you a decision today.

4 Where are we down to?

5 MR. SWAGGART: At the point where the Salt Marsh and Dry  
6 Valley were secured with fencing and rimrock, at that point,  
7 the seasonal use would change from the current 3/1 to 12/30 to  
8 4/1 to 1/31 or with an extension in February or however we do  
9 it because that would allow these cows to be grazing here  
10 without coming up to Buffalo or any of the others, for that  
11 matter, and keep them out of here in the spring and summer,  
12 also. So at that point, the management on that PC, that Salt  
13 Desert PC could start up at that point.

14 The next step that we see is the fencing of Painter and  
15 that will take about nine miles of fence and at that point,  
16 then, I guess I can read it out of here. The management of -  
17 Rowland and Black Mountain would continue and then the  
18 remainder of the area that's not in Painter, that use would  
19 still continue with the cows again. Four hundred would be  
20 taken out of that herd that's up there and put into either  
21 Rowland or Black Mountain and then around the middle of July,  
22 10th of July, somewhere around there, that herd would come to  
23 Painter and the herd that had been in Buffalo and Stone Corral  
24 and the natural thing would be to push them up to Stone Corral  
25 later in the season and get out of there, but the gap fencing  
26 is done to secure that PC. There is going to be some drift

1 back and all of that sort of thing, but the bulk of the use in  
2 the later part would be in Stone Corral and those cows would  
3 be moved also into Painter so that this 800 from 7/10 to 10/31  
4 would then be occurring.

5 The next step we see is to fence, gap fence between  
6 Stone Corral and Buffalo and at that point, then the  
7 management of both of those -- along with that, this fence  
8 securing Chimney. At that point, ideally if Chimney were  
9 ready to go, then our four pasture system with Black Mountain  
10 and Chimney and Stone Corral and Rowland would be complete,  
11 Buffalo would be complete, Painter would be complete and that  
12 would allow full implementation at that stage. It may be  
13 something as we get into this thing that maybe either Chimney  
14 will be used with a lot less than 400 cows for that time  
15 period or maybe no cows will be in there and they will all go  
16 up to Stone Corral. That's one of those that you kind of have  
17 to play by ear. But assuming that seeding occurs in Chimney  
18 and 400 is the right number, then the rotation in Stone Corral  
19 and Chimney would be the same as the rotation in Rowland and  
20 Black Mountain with maybe a little bit longer period to allow  
21 the herding to take place out of there and into Painter and  
22 then after the cows are done grazing Painter, then they come  
23 down to the Salt Desert.

24 Anybody got any ideas on changing that priority? Bill,  
25 would you change the Salt Desert and Rowland and Black  
26 Mountain?

1 MR. PHILLIPS: If I was going out there to deal with  
2 fence, the first thing I would do is fence Rowland because  
3 that takes a little fence to keep those cows up there. That's  
4 where I start because Number 1, it's cheap and it's kind of  
5 pretty definite. Some of these other fences I think is going  
6 to take a lot of looking and up to me, depend on how many  
7 priorities, how many dollars you are getting. To me, the Five  
8 Springs fence comes pretty high up because to get that started  
9 towards some level of recovery and --

10 MR. SWAGGART: We didn't prioritize between the north  
11 and south, we prioritized in the north and in the south and I  
12 don't think we would necessarily disagree that maybe Five  
13 Springs ought to be Number 1 of the number ones.

14 MR. PHILLIPS: The thing with Five Springs, part of Five  
15 Springs is not in the wilderness area and that portion has  
16 some very productive soils that, you know, that is rated at -  
17 2,500 pounds per acre, so even if you get half of that, we can  
18 change the whole picture with 3, 4, 500 acres, you are  
19 starting to change the picture and you are starting to change  
20 where cattle are going to congregate and this type of stuff  
21 and we can seed crested wheat grass or something. Of course,  
22 it's basically a basin wild rye site down there. In fact,  
23 there is a little basin wild rye, but we are going to wait for  
24 -- it's like you get it, but it would be so easy to change the  
25 picture there.

26 MR. SWAGGART: Let's go ahead and talk about the south



1 pasture. That's Number 1 on our list, too, is to secure the  
2 fence around Five Springs and to seed as much as we can get  
3 seeded in it.

4 MR. PHILLIPS: Part of that can be seeded with a drill.  
5 The rest of it is going to be tricky. I probably need to play  
6 around with it to see where you want to go with your dollars.  
7 Once you get out of that one area, you definitely need to look  
8 at native species and basin wild rye is one that might take  
9 and do fine, but we also have this selection out of Snake  
10 River Plains that maybe it's an option. I don't know, but --

11 MR. LAVER: Then I think what we can do there is if we  
12 can get some of that seeded that's not in wilderness study,  
13 crested wheat given a chance is going to spread on it's own.  
14 A lot of that, once you can start grazing it and getting your  
15 cattle to move, it will help, it will spread. Tall wheat is  
16 the same way. It would be nice to get a big seeding and get  
17 the wilderness study seeded in a plant that they can firm up  
18 on, too, but at least if we can get something started out  
19 there, it's a start.

20 MR. SWAGGART: How much acreage is not WSA that can be  
21 seeded?

22 MR. PHILLIPS: Probably 3 or 400 acres. Tremendous  
23 production capability on that 3 or 400 acres, which isn't  
24 much, but it would be a start. Of course, what Ron just said,  
25 there is a group of people out there, crested wheat down there  
26 and it's going to spread on to our wilderness area. I don't

1 know how that became a wilderness area, but it looks like it  
2 should have -- I don't know. It should have started back  
3 someplace further than that, but they didn't.

4 MR. SWAGGART: That's our Number 1 down there, also.  
5 Number 2 would be the fence between Lower Smoke and Dry Valley  
6 Rim.

7 MR. PHILLIPS: Is that rim that big problem that needs  
8 to be fenced further than we got it?

9 MR. BRENT ESPIL: What we were looking at is cattle  
10 drift down into Jenkins Trough. Jenkins Trough is inside the  
11 Smoke Creek PC, isn't it? Yes, it is, and Red Rock would be  
12 in the Dry Valley PC.

13 MR. PHILLIPS: The horses run back and forth on that  
14 rim, that would be another -- some of these areas, you know,  
15 even down the road, I think you are going to have to do a lot  
16 of herding that fence.

17 MR. NADER: I think again the target should be, Bob,  
18 that you should say what it takes to make the thing run. Then  
19 we can always backtrack once there is some discussion and be  
20 very candid with the other players and say, "Okay, here's the  
21 trade off and Fish & Game, if you got a concern, you need to  
22 go over and deal with Dawn and say no, this isn't how the  
23 world is going to revolve," and Sportsman or whoever the  
24 parties are. I think good, let's note that is a concern in  
25 the area and move on and let that negotiation shake out  
26 between the players. I think the proposal ought to go forth,

1 this is what would take to run an air tight, not air tight,  
2 but a workable situation in our mind and back negotiate from  
3 there.

4 MR. PHILLIPS: It may be part of this is going to get  
5 bought, you have to understand that.

6 MR. SWAGGART: Right, that's why we put it in stages.

7 MR. PHILLIPS: And parts may not get bought.

8 MR. NADER: I think we need to be honest at what part  
9 because I get caught in this in the university, you put a plan  
10 forward -- I put forward a proposal. They funded it for half  
11 the price and they still want the same results and I said,  
12 "Wait a minute, wait a minute. No, all these things I  
13 promised you are not going to come true at half price," and I  
14 think that's what we have to be real clear on once that  
15 negotiation occurs, about what is a not going to happen.

16 MR. SWAGGART: We tried to in this draft and we may go  
17 back in and revise it and make it more obvious, but obvious  
18 things stall out at Step 1 in the north and we got these units  
19 fenced and can be rotated and the rest of it just has to be  
20 treated like it is now. And okay, if that's as far as we get  
21 on it, then that's doable on a long-term basis and the next  
22 step is doable if it stalls out on a long-term basis.  
23 Ideally, if we want to get the product, these things stall  
24 out, we don't want to be stalled out with a prediction in one  
25 PC that's not workable because it doesn't fit in the rest of  
26 the thing.

1           MR. NADER: I like the way you have the progressional  
2 mode because that's an error that could occur in assumptions.  
3 I think it fits and I want to make sure you draw in the lines  
4 and we note where there is some potential occurrences, but  
5 again, that's somebody else's problem in my book. I mean, we  
6 can deal with it then.

7           MR. SWAGGART: The adamancy with which we talk about  
8 fencing and securing these things in my mind is not negotiable  
9 because without recognition that something else is going to  
10 happen. In other words, if we desire 100 percent control of  
11 those cattle, we got to have 100 percent control over them and  
12 that means fencing. If we are going to have big gaps in the  
13 fence, if we are going to have areas that are aren't fenced  
14 because of wild horse travel areas, then the recognition has  
15 to be made that's not going to be a 100 percent system, we are  
16 going to have drift in and out of those PC's.

17           I like what Bill had in his draft of recognizing that  
18 the level of that has got to be such that we affect the  
19 desired management. In other words, if we got five cows back,  
20 but we are affecting the kind of management we want, who  
21 cares, and that's important, but that's often lost in the  
22 bureaucracy in dealing with the game agencies and other people  
23 who think that because it's on paper, that's the way the real  
24 world is.

25           I guess I talked about the fence between Smoke Creek and  
26 Dry Valley. That's under Step 3. At that point, if that line

1 is secured, then we can deal with confidence that Smoke Creek  
2 won't half drift into it from outside after 5/15 and the cows  
3 won't be getting up to Dry Valley Rim and Skedaddle before  
4 5/15. Other than that, we are going to have drift and it's  
5 not going to be a secure system. Once that happens, I think  
6 we got it pretty well lined out here, Step 3 management, once  
7 performance occurs, Espil cattle Lower Smoke Creek in April,  
8 all cattle will be moved to Dry Valley Rim, drift will occur  
9 to Skedaddle PC and both cattle will use both PC until  
10 November 1, the progress rate is probably sometime in late  
11 September. Most of these cows will be gone from Skedaddle  
12 anyway because of the hunter activity and all of that, but  
13 again, if they are up through 9/30 was the difference between  
14 10/31.

15 MR. PHILLIPS: The Dry Valley Rim, some soils that are  
16 capable of producing Medusahead and they have Medusahead out  
17 there right now, and therefore, we don't want cattle there,  
18 that's in the --

19 MR. SWAGGART: Too soon?

20 MR. PHILLIPS: That's right.

21 MR. SWAGGART: We say not before May 15th. I don't know  
22 if that's the date, but that's kind of a target date.

23 MR. SWAGGART: Like what we were talking about with  
24 Buffalo, that date is going to be different by year, but if  
25 it's later on Dry Valley Rim, it's going to be later in Smoke  
26 Creek, also. If we are talking about -- maybe we ought to be

1 talking 5/30, also, 5/15 and 5/30. I don't know how to write  
2 all the practicality in this.

3 MR. NADER: Just like you want in Buffalo, just years,  
4 variations in years, but at least they are corresponding. I  
5 mean, the situations correspond across the sides.

6 MR. SWAGGART: That's probably the way we should do it  
7 later years, the longer spring season, this might be 5/30 and  
8 that might be 5/30 until the cows get into Dry Valley Rim.  
9 That's probably a good way to do it.

10 Then in the alternating years, I don't know if I have  
11 this in here. No, that step, that's it. They are going to be  
12 both of these because there is no security between Dry Valley  
13 Rim and Skedaddle. With Step 4, that would be the fence.  
14 Ideally, we would like it going the whole length. If it goes  
15 to Skedaddle Ranch, that is going to provide some degree --

16 MR. PHILLIPS: I think it will make quite a bit of  
17 difference.

18 MR. SWAGGART: But again, if it's not secure, we are  
19 going to drift. We can talk about herding all day long and  
20 the truth is, you can herd cows in the morning and go home and  
21 by afternoon have them back down to where you got them from.

22 MR. PHILLIPS: You know, sometimes you move them and  
23 they stay. You don't know.

24 MR. SWAGGART: That's right.

25 MR. NADER: One of the things we did talk about.

26 MR. SWAGGART: But herding can't be called a replacement

1 for a fence is my point. You can herd all day long and have  
2 them back the next day.

3 MR. PHILLIPS: It works some places, some places it  
4 ain't going to work.

5 MR. NADER: Some other concerns, say wells with solar  
6 panels, that's something you can shut off the water or control  
7 the water down here along with the fence and maybe limit the  
8 drift down into that area, but I still think you ought to say  
9 the whole fence and the water and that falls out and you got  
10 backup steps.

11 MR. SWAGGART: That's basically it, at that point, with  
12 the fences -- I guess we could put another step in here to say  
13 that once that fence is secured, we don't have waters in Dry  
14 Valley, wells they might have discussed earlier. This year  
15 when the cows are in -- the year that it's rested is going to  
16 be relatively easy. If you put them here, you might get drift  
17 down to the south. On the year that they are in here, the 400  
18 would be in Dry Valley Rim, that water may not last through  
19 that season and it may last to the middle of the season with  
20 enough for 200 to the end of the season and that might be what  
21 we do and go with the rest of them to Dry Valley. It might be  
22 it lasts all 400 of them to the middle of the year and then  
23 everything goes to Skedaddle.

24 MR. PHILLIPS: Brent, do you run any yearlings at all?

25 MR. BRENT ESPIL: No, I haven't. I haven't in the past,  
26 no.

1 MR. PHILLIPS: I'm not saying you should. One  
2 opportunity would be to run cattle that you intentionally  
3 intend to take to the meadow or something earlier in the  
4 season and you have -- of course with that, you only need to  
5 look at what you are going to do with those cattle clear  
6 through because if you are just going to turn them out there  
7 and hope to take them to Cottonwood and sell them, you are  
8 going to lose your you know what because you have to have them  
9 in your control probably through some more time on the meadow  
10 and then into a feed lot or something. Simplot makes that  
11 work great for them, but Brent is not Simplot. Where they  
12 have their own feed lots and medicine and stuff, they can play  
13 different games.

14 MR. NADER: That was one of the discussions, that the  
15 opportunity could occur with yearlings to destock during that  
16 hot period and I think that's certainly one you can think  
17 about as an option.

18 MR. PHILLIPS: If even half, you can cut the number or  
19 all the different stuff you can go.

20 MR. NADER: But looking at the past markets, that  
21 doesn't follow the market flow if you kept them over. Summer  
22 is the worst time to sell calves. Over a 20-year analysis, it  
23 was the worst time to sell calves is the summer.

24 MR. PHILLIPS: But you need to study that out. It's  
25 almost a cinch that you couldn't sell them at the time they  
26 come off of there, you have to have a longer program for them.



1           MR. LAVER: Can you imagine the yearlings out in  
2 this lot with the number of fences we have now?

3           MR. NADER: The other thing I was going to say, Bob, and  
4 I still like your concept, is probably more flexible than what  
5 I am about to propose, another option is the water first  
6 before the fence occurs.

7           MR. SWAGGART: That would definitely affect some water  
8 control in that southern area of Dry Valley Rim and --

9           MR. NADER: It might be some feed to the fire that this  
10 has to occur before we put a fence on. What we did on Pine  
11 Creek was the same thing, force the agency to find the water  
12 and then we will talk to you about fencing, changing the  
13 allotment because sometimes you put a fence in and what  
14 happens if you don't hit water or you are not able to develop  
15 water?

16           MR. LAVER: Another thing it will do on this if we get  
17 wells down there in that little portion of Dry Valley Rim, we  
18 might cut down on that horse movement. If we can get water  
19 stands on both sides of where we are proposing a fence, then  
20 you are not going to get horse movement back and forth.

21           MR. PHILLIPS: The horse that is from Skedaddle Mountain  
22 to Skedaddle Creek, that was in the dry year and they had  
23 another source of water. They probably wouldn't do that.  
24 Looking at the trail, I'm sure that is a major user is that  
25 trail because I looked at it two or three times and horse  
26 tracks all the time. I never did see the horses there, but

1 they left the tracks and they went down there at the water  
2 hole in Skedaddle Creek and they water and grass grew up and  
3 set seed fine, but they evidently went there and watered and  
4 turned around and hightailed it back up the mountain.

5 MR. NADER: Another thing, Bob, I've been looking at  
6 this, but thereabouts or about that, and I'm sure you are  
7 aware of that, I just bring that sensitivity up because of any  
8 documents I have written where I've said there are going to be  
9 this number and I get caught. It says no fence between PC  
10 once completed and about 20 percent drift. I'm just saying  
11 approximately. I sure you will throw that caveat in there.

12 MR. SWAGGART: I think the way we say it is 20 there and  
13 I think we wrote some considerations in here at the end, I  
14 think I put 25 percent. The important part is if PC's aren't  
15 going to be fenced, then everybody has to recognize there is  
16 going to be some drift and that that will be acceptable at  
17 that level and unless everyone says that's going to create a  
18 resource damage, then we have to go to the drawing board and  
19 create something different.

20 Like I said earlier, the fact that a cow is there  
21 doesn't necessarily create a problem and a cow grazing the  
22 same area year after year doesn't mean anything to me. The  
23 problem with the resource, I don't care what the utilization  
24 is, but certainly if it's light utilization or slight  
25 utilization, it is not creating a problem.

26 MR. NADER: I think the one concern I had when I read

1 all of Bill's was boy, this is a lot for people to digest, but  
2 I think if your document has a stand alone chapter that goes  
3 behind it but somehow ties into it, refers back to it, I know  
4 I agree with what Wayne said, we can't let somebody read one  
5 chapter, just read yours and say, "Gee, that's how it's going  
6 to work." They really need to read all of it, but we know  
7 that's not going to occur, so somehow I think if they are too  
8 lazy, if they can read that and at least get an idea of what  
9 is being proposed and see that it's got to be staged and not  
10 just turn the switch, I think that does it.

11 There is a couple of things in the notes here we had  
12 other plans and some of them are a little more finite and I  
13 didn't number this document, either, but it's right. I think  
14 prior to funding, water development allotment grazing  
15 management. These are what we kicked around, different ones  
16 and some of them are pretty loose where Brent said we need  
17 water at Parsnip and Choke Cherry Springs, et cetera.

18 MR. PHILLIPS: Where are we at, what page?

19 MR. NADER: From our minutes. I did our minutes and  
20 it's right ahead. I went through that and what we said we  
21 would do up on Skedaddle when we made the presentation to the  
22 game agencies.

23 MR. BOLTZ: It's under the heading Allotment Grazing  
24 Management Improvements.

25 MR. SWAGGART: Is your suggestion to add these into  
26 this?

ELLEN E. HAMLYN, C.S.R

(916) 597-2944

1 MR. NADER: Yes, or have Brent and Ron and John refine  
2 these more. These were just again the meeting notes and some  
3 of them could be rough, but maybe could help add on to your  
4 document by absconding this or taking this into it.

5 MR. BRENT ESPIL: I think also besides the water  
6 development, they really need to be talking seeding too, once  
7 these areas are fenced, Five Springs, Dry Valley, even in the  
8 Chimney Compartment.

9 MR. NADER: I think seeding is right before funding. If  
10 you go back, there is fence work that we talked about which I  
11 think you have captured probably all of it and little things  
12 like Frog Creek. I still think you need to keep outlining  
13 where they need to go because Frog Creek will get lost. It's  
14 gotten lost before and it will get lost again. They get all  
15 excited when you take them out there and then you see seeding  
16 areas and this is just parts of the minutes that I took that  
17 there was a discussion of anything about seeding and one thing  
18 was we were talking about Bull Flat as maybe a fall gathering  
19 area or a holding pen on that private ground. Most of that is  
20 private, isn't it? Right down to the road, and I say that for  
21 several reasons. The reason that could be priority is every  
22 time I talked to one of the interests groups, they think Bull  
23 Flat is Twin Peaks, so perception is reality in their mind.

24 MR. PHILLIPS: That's one of the reasons to get that  
25 thing improved along that road is whether it's important for  
26 care and capacity or not. It is important for the way people

1 perceive the world out there.

2 MR. NADER: I'm sorry we are into window dressing, but  
3 that's the reality.

4 MR. PHILLIPS: There is a valid reason besides window  
5 dressing, but window dressing certainly gives it some value  
6 because where could you go for the worst drive through the  
7 allotment down that road?

8 MR. NADER: And to save you time typing, Bob, I could  
9 bring this file out and you can manipulate it. That would be  
10 my suggestion. You just take this file and manipulate it like  
11 these were actually four different meetings that I manipulated  
12 to try to get them at least one area where they made sense  
13 instead of having them floating through different minutes that  
14 you are filing through where we are talking about the same  
15 thing. That would be my suggestion to add to that section.

16 MR. SWAGGART: That would be great.

17 MR. NADER: Bob, my suggestion is, take your document  
18 because when I was forging together these items, I was  
19 thinking if we really want to have a plan that we can say you  
20 buy the whole nine yards, it's going to cost you X number of  
21 dollars is the bottom line and I know that's tough. The fence  
22 isn't quite as tough because you can get close, but some of  
23 these water developments, bentonite and some of those things  
24 are hard to get a fix, but even if they are ball parkish  
25 numbers, at least that tells the political people that want to  
26 get involved what kind of big dollars or small dollars is what

1 they are asking at this point because they asked me what kind  
2 of dollar figure are we looking at and I said --

3 MR. JOHN ESPIL: Are we going to ask BLM? Linda said  
4 they wouldn't ask. Is that a problem?

5 MR. PHILLIPS: I don't know, I haven't discussed that.

6 MR. NADER: I think again, the way to provide is have a  
7 plan, present the plan and of course the political individuals  
8 should have a copy of that plan and at that point, I still  
9 think we are going to have to get everybody to buy off before  
10 anybody is going to jump in. The politicals have told me they  
11 would jump in and try to get the funding. I think that is  
12 putting the horse before the cart. If we get all these things  
13 worked out on the ground saying maybe this isn't a major horse  
14 problem here, maybe we can do that, again, the money I think  
15 will flow, but I think politicals are going to be afraid to  
16 say completely yes. Once they find out all the information  
17 and know there is more to it than just building a fence that  
18 maybe horse people may get up about, I think they are going to  
19 want to say, "Gee, if you can get these small things worked  
20 out, the money is not a problem."

21 I think again Stan added two more things for funding  
22 sources, but I found once you have a plan that is bought off  
23 on everybody, nobody minds throwing money. We got another  
24 140,000 for Pine Creek and they said, "Do you mean no? No, I  
25 can't get the BLM and Forest Service to spend what I got them  
26 now, let's not give them more."

1 MR. PHILLIPS: There are some aspects of this plan,  
2 primarily fences, I guess, and seeding, there is some aspects  
3 of this that are going to be tough to get bought off on. It's  
4 like this isn't going to sail opposition free, don't think for  
5 a minute that it will, but you have a plan, you don't even  
6 have anything to sell.

7 MR. NADER: We don't even have a target to shoot at.  
8 All everybody is saying is what they don't like what is going  
9 on in the allotment, not what they like.

10 MR. JOHN ESPIL: I got to blame the BLM.

11 MR. SWAGGART: Nobody is looking what the data says.  
12 They have their minds made up, they don't want to be confused  
13 with information.

14 MR. JOHN ESPIL: People will negotiate or maybe agree to  
15 changes spending for fencing or whatever, but if they feel  
16 that the BLM is going to do away with the grazing as an  
17 option, then they don't feel that fencing is something that  
18 they should negotiate with. They feel that if we disagree  
19 with all this, eventually BLM is going to reduce grazing or  
20 eliminate it, it's going to make those people hard to play  
21 with because BLM has shown that's one of the options because I  
22 mean in the stipulations and under agreements, they have  
23 stated it may be deferred or discontinued and that's where you  
24 can't get the players together because they feel that if one  
25 of the options is to discontinue grazing, why should they  
26 negotiate.

1 MR. SWAGGART: That was a mistake on the Bureau's part  
2 because that is not an option.

3 MR. JOHN ESPIL: No, but that's what I'm saying. That's  
4 why we have so much trouble selling any of this to the public,  
5 because one of the options has been to discontinue grazing.  
6 You can't sell it.

7 MR. NADER: I can tell you that I think things to a  
8 certain degree, there is probably going to be more  
9 clarification now once you have a plan out because you are  
10 going to be the first one on the street with anything. The  
11 Bureau is going to try to have their umbrella plan and  
12 whatever, but as I understand it, George Wingate has been told  
13 to move forward with his process which he shared, I gather you  
14 and Carolyn and maybe Bob, and he is going to try to take this  
15 and run. How successful he is going to be, I don't know, but  
16 the other players are Fish & Game has said once we have a  
17 plan, at least John Sullivan has said, he wants the plan and  
18 he is going to ask people to be very serious in their  
19 considerations of the plan.

20 Now, that and a penny might buy you a speck of dirt. I  
21 don't know. We will find out what the man is made of, but I  
22 see that Bill's concern is that we probably ought to get this  
23 document out fairly soon, just eat the power because we hate  
24 to get tied up in all these other things that are going on,  
25 but the short-term divisions aren't going to solve anything,  
26 but they are going to occur and confuse us and get things



1 probably somewhat confusing and the one thing that will keep  
2 that above that phrase, if we have a long-term plan to keep,  
3 that's my opinion and some of the people I talk to, fine,  
4 here's where the solutions are. If you want to do this little  
5 bit of chess matching in the short term, you try your best,  
6 but here's where your solutions are going to lie focusing on  
7 that and I think that's why a lot of us are saying we are  
8 going to try to get this thing brought to a completion and  
9 have it out there. Plus there is expectations building on  
10 everybody's part. It's the only game in town as far as most  
11 people heard, it's the only plan in town, so they are all kind  
12 of can I, can I, can I. So with that, I guess the question is  
13 now we have gone through all of these, there was a discussion  
14 that we needed to have a monitoring section. Do we?

15 MR. SWAGGART: I think monitoring is in place out there.

16 MR. NADER: If it's done?

17 MR. SWAGGART: Well, always, the sites are selected,  
18 they have been selected since 1983 and 1985. We don't have  
19 any power over whether the Bureau does the monitoring, but the  
20 key areas have certainly been selected and agreed upon and  
21 they are. As a matter of fact, I can show you where they are  
22 at.

23 MR. PHILLIPS: We need to look at -- for instance, in  
24 Buffalo, we need two sets of cages on these things to say  
25 okay, this is what it looked like when the cows left, but  
26 cages on them and okay from here on out, this is what the

1 horses would look like. That needs to be monitored and I know  
2 they are not set up to do that right now, but when those cows  
3 go out of Buffalo Parsnip, all that country and they need  
4 cages on the ground right after the cows leave so that if  
5 there is a difference on the inside and outside the caging,  
6 okay this part was done by things other than cattle and sheep.

7 MS. CAROLYN ESPIL: Of course, you can say that before  
8 because they are, the horses and the deer and everything are  
9 there the whole season anyway, right?

10 MR. PHILLIPS: Right, but the thing is --

11 MR. NADER: You can't get 100 percent, but you can  
12 focus.

13 MR. PHILLIPS: You put the cows and sheep through the  
14 compartment and if you got the cages that go up immediately  
15 after that and then comes that fall, you can say, "Okay,  
16 what's inside these cages? What caused that?"

17 MR. SWAGGART: Ideally, you should have a cage up there  
18 before the cows get there and sheep.

19 MR. PHILLIPS: But I see these as being two cage studies  
20 in Buffalo, not all the rest of them, but in Buffalo and  
21 Buffalo Compartment is riparian in there. That's the Number 1  
22 riparian issue is that Buffalo Compartment and this Lower  
23 Smoke Creek, Upper Smoke Creek, it's got a piece of fence.  
24 The success or failure of those is going to hang heavy on this  
25 whole thing.

26 MR. SWAGGART: Right now, the AMP, the Lower Smoke Creek

1 area is grazed to the end of March.

2 MR. BRENT ESPIL: End of April.

3 MR. SWAGGART: End of April. And there are utilization  
4 objectives for the North Fork of Buffalo and for the South  
5 Fork of Parsnip and for those parts, those have been met.  
6 There has been fences that are going to make that easier to  
7 attain and what Bill said is right, according to the  
8 functional assessment works that the Bureau did last year,  
9 about 33 percent of the acreage of the riparian areas is in  
10 Buffalo, so that's -- I don't think anybody has a problem with  
11 that idea right there. The problem is you got a lot of  
12 boundary here and how the hell do you keep them out of here.  
13 For the most part that occurs, but not completely.

14 MR. NADER: I guess you got to be honest and say knowing  
15 the way things are going or have been, probably the realism is  
16 if you want cages done for monitoring, you are probably going  
17 to have to do it. That might be your only best defense as you  
18 found, collecting your own data, having the data there.

19 MR. SWAGGART: This last thing I put up is the location  
20 of the key areas; 721 is Stove Corral; 720 is for Rowland; 723  
21 and 719 are in Painter and as it exists on this yellow map,  
22 750 would also be in Painter the way we have it. Right now as  
23 the thing is in the yellow map, 753 would be in the Black  
24 Mountain field, that probably needs the location to put in it;  
25 717, 718 are in Buffalo. Depending on where the line is  
26 drawn, 720 would be either in Stone Corral or in Buffalo; 715

1 is in Salt Marsh; 730 and 729 are in Dry Valley; 701, 710, 712  
2 and 713 in Dry Valley; 707, 711, 709 are in Skedaddle and 714  
3 is in Five Springs.

4 MR. NADER: And we have phototransistor stations along  
5 Smoke Creek?

6 MR. SWAGGART: Correct, and there were also original  
7 base frequencies done along Smoke Range that have not been  
8 repeated.

9 MR. NADER: That could be picked up?

10 MR. SWAGGART: That could be picked up. The Bureau put  
11 in green lines on Lower Smoke and on North Fork. I think they  
12 put some on Middle Fork and probably some on West Fork and  
13 probably some on Parsnip. Those have just been put in the  
14 last year and they are not going to show anything in the next  
15 year or two.

16 MR. NADER: My suggestion, Bob, is somehow this either  
17 just saying how it would be done or in the plan because I  
18 guess it deals with the failure of the agency to follow  
19 through, either somehow in the plan because again our biggest  
20 failure on a lot of these plans has been no monitoring, so  
21 there is no history or no story, as you are well aware of, and  
22 maybe making suggestions of additional sites, I would rather  
23 see that come from the permittees than the agencies be lost  
24 and let's take a map and drive. This looks -- I'm not saying  
25 that's how it occurred, but I would rather have it from that  
26 advantage, too. Even if it's a short section, it doesn't have

1 to be a big chapter. I think it needs to be addressed.

2 MR. BOLTZ: I guess along those lines, I would maybe  
3 suggest adding apparent trends as one in addition to the long  
4 term trend, apparent trends.

5 MR. SWAGGART: I don't like the idea of apparent trend  
6 because it implies that one can go out and look at a piece of  
7 ground and can tell which way it's going. It's like having a  
8 picture of a truck and saying, me saying, "I think it's  
9 backing up," and you say, "I think it's going forward," but  
10 certainly as part of that, and I'm not opposed to it, I simply  
11 have a caution that it needs to be -- if that's all we have,  
12 fine and dandy, but I would rather have frequency trend.

13 MR. BOLTZ: You can't replace long-term trend with  
14 apparent trend, but I think people tend to want to see  
15 something fast, they want to know what's going on because of  
16 last year how it's improved or whatever and that might be one-  
17 way of looking at it.

18 MR. SWAGGART: Certainly the conditions were that goes  
19 along with that is invaluable as far as it probably should be  
20 looked at again on all of these key areas.

21 MR. BOLTZ: I think in addition, I haven't looked at the  
22 data, but I would feel a lot better if solar site correlation  
23 was completed at each of these stations, get a solar scientist  
24 out there and have the plant community identified as to what  
25 it is as opposed to just looking at the solar survey and  
26 saying that's what the solar survey said.

1 MR. SWAGGART: I don't know if that's been done either,  
2 I know it's been correlated to the solar survey.

3 MR. BOLTZ: Because there has been problems with Lassen  
4 County range sites correlation and that was SCS's fault, but I  
5 would feel more comfortable if it was looked at again, at  
6 least on the Lassen County side, just verify it.

7 MR. NADER: I think that would finish the book. Unless  
8 somebody has some other sections that they see needing, I  
9 think that pretty well finishes our plan or publication.

10 Now, the question is when, how much and --

11 MR. PHILLIPS: Okay, in the compartments, I don't know  
12 whether you want to do this or not, John and Brent, like some  
13 of your private waters, whether you want to commit to fencing  
14 some of those in or something. That's an option, you know, if  
15 you want to do that, any of that work shows up in here I think  
16 gives you some PR.

17 MR. JOHN ESPIL: We got the material laid down there,  
18 most of it and we did a lot of work on Skedaddle Meadow this  
19 year.

20 MR. PHILLIPS: I think --

21 MR. JOHN ESPIL: I know what you think.

22 MR. PHILLIPS: I tried to pick up some of that on the  
23 riparian section, but anything that we add, that's the big hot  
24 issue. Anything that you add in there that doesn't say you  
25 are going to do something that you don't really intend to do,  
26 but if you are going to do it anyway, you just get it in this

1 document and get some credit for it, like, "Hey, we are doing  
2 something, too."

3 MR. NADER: And maybe some cooperative funding has been  
4 great once you identified things like this year we had 9,100  
5 to spend on Skedaddle and she said, "Let's go out and figure  
6 out what we are going to do. Tell me what they want to do."

7 MR. BRENT ESPIL: It's under a bunch of bills.

8 MR. NADER: She's got there, we got 9,100 and something  
9 dollars to spend this year and basically what John and I were  
10 taking is go in and develop the water first before we even  
11 monkey with fences, just get a couple big major water sites  
12 developed outside the riparian area that we were talking a  
13 5,000 gallon trough, those big troughs that you can put a band  
14 of sheep on or a lot of cows without a problem.

15 MR. PHILLIPS: One option where you've got a pretty good  
16 flow of water may be to put a simple trough for cows and  
17 horses to water in and then just leave a section of that open  
18 to water sheep like you have a section up here and go down  
19 here, you have a section with a stretch in between that you  
20 fenced to where you can go up and water a band of sheep.

21 MR. JOHN ESPIL: Or where the sheep are going to be a  
22 short time and if you do have fences, have the gates up and so  
23 we can put the sheep in and water them and close the gate when  
24 you leave.

25 MR. PHILLIPS: I see as a fence riparian area where  
26 Morgan Springs, that's easy to fix, but when you put these at

1 the trough, it's great for cows and horses but when you start  
2 looking at sheep, to get enough sheep tanks at each one of  
3 these is going to be a real bugaboo and you got that much more  
4 stuff to be maintained. It may be that you just want to leave  
5 a section of it just with the water running through it so you  
6 can put the sheep in or take them out or something rather than  
7 go to that level of expense and get into a maintenance thing  
8 so you got a beautiful set of sheep thrive and you get off  
9 level and the water is running off the ground anyhow.

10 MR. NADER: We will never do those troughs like Fish &  
11 Game, they will be quality troughs. One quality trough is  
12 about all you can do with 9,100.

13 MR. PHILLIPS: That's the thing, you got this  
14 maintenance thing all the time. If you have simple troughs  
15 for the cows and horses so you got a section that just runs,  
16 you know. You go water your -- but nevertheless, you still  
17 protect an area above and below or something so you have and  
18 if you take care of some riparian --

19 MR. JOHN ESPIL: We can prioritize. I talked to the  
20 Sportsman groups about it and they gave me some ideas what  
21 they would like to see.

22 MR. PHILLIPS: Anyhow --

23 MR. NADER: I think we can work those things on a field  
24 meeting which Gene has asked for.

25 MR. PHILLIPS: In this riparian section where this  
26 write-up where you have a good idea where you are going to do



1 that, don't reach out where you are going to do something  
2 where you don't intend to do. I think to California Fish &  
3 Game, whoever they are, or people that need it, but anyhow, to  
4 those people, it should make no difference whether or not that  
5 riparian is on private or public land. If you have effective  
6 riparian, you should look at that as a plus.

7 MR. BOLTZ: Glenn, if you need some cost figures for  
8 some of those things, the bentonite and the solar powered  
9 wells and stuff, I think we might be able to give you some of  
10 that. Tell me how big the reservoir is or how deep you think  
11 the well might be. We did that one project with Jacksons, the  
12 solar powered well over there, and I can pull some of that  
13 stuff and our engineer has some stuff on the bentonite and how  
14 much that stuff costs.

15 (Break taken.)

16 MR. PHILLIPS: I guess really, the ball is in your court  
17 now, as far as I'm concerned. I'm going to work on something  
18 else. When you get to something else that you want me to come  
19 look at and I got some literature cited and stuff, I'm going  
20 to work on that. I'm going to kind of put this on the side  
21 burner and try to clean up some other things until you get to  
22 that point. Of course this plan that you got here is a little  
23 different than what I had, but it's not all that way out, but  
24 anyhow, it's your -- it's got to be your project and whether I  
25 agree with it 100 percent or not is not the question. I mean,  
26 it's like if you come out with something, well then, I'm still

1 going to be in the position I'm in because that means we may  
2 basically kind of agree on some of this and still not agree on  
3 all of it. I'm talking about me personally. What position  
4 the Bureau is going to take, I cannot tell you because a lot  
5 of this follows some of the same stuff that's going to come  
6 out of the umbrella plan, so it shouldn't come out that far  
7 apart. I do know the fences are going to be the big bugaboo  
8 out there. That's going to be the big thing. Whenever we  
9 wrap this up, I got another little subject we can discuss  
10 before we totally break up here.

11 MR. NADER: Stan, you can get the information and we  
12 will talk to you on cost information if we need it.

13 MR. BOLTZ: Do you want the phenology information, Bob?

14 MR. SWAGGART: Yes.

15 MR. BOLTZ: I can get that sent to you. The reason I'm  
16 leaving is George Wingate is coming to the Washaw Conservation  
17 District meeting to give them a response to the letter they  
18 wrote and they are meeting at 4:30, so I've got to be there  
19 and see what he has to say to the district and anyway, I  
20 better take off.

21 MR. PHILLIPS: I will try to assemble the literature and  
22 get a copy. Glenn, Tim Garrett called me about the Honey Like  
23 Valley RCD, took their letter and is trying to write it and he  
24 needs some help. I will try and help him, but I may defer him  
25 to you as the permittees. I didn't bring a copy of it, but  
26 they took that letter plus what Gene Loubet knew of us since

1 he is an alternate and drafted a letter also to BLM so they  
2 would have a letter from Honey Lake Valley and Tim wanted some  
3 questions and I will refer him to you.

4 MR. JOHN ESPIL: All right.

5 MR. NADER: I think again the key is to try and not  
6 pressure you, but the season is only going to get worse for  
7 your busy level, I assume, plus I think the sooner we have  
8 something out there, the better we are.

9 MR. JOHN ESPIL: With the document?

10 MR. NADER: But it's going to be something good and you  
11 are comfortable with, not just a document because I think  
12 people are going to be forced to take a look at it. That's  
13 what I'm being told, they are going to be forced to take a  
14 serious look at it.

15 MR. PHILLIPS: I hope we get by the place where  
16 everybody can get by just being against things and start  
17 buying into some kind of a solution. It's all right to  
18 disagree, but we got a whole bunch of people out there that  
19 all they can see is the wrong and they can't come up with some  
20 concept of what might make it work.

21 MR. NADER: I think that might be like Bob was saying, a  
22 tour out there might not be a bad idea and to use as a spring  
23 board to further, instead of a piece of paper that says, "Here  
24 is the allotment on paper, here is the allotment, here is what  
25 we are talking about," it would probably be one heck of a long  
26 day or two days probably more realistically to see the whole

1 thing.

2 MR. PHILLIPS: And when you get down to fences, you got  
3 a fence, on here on the map, it's awful damn close. When you  
4 ride it on horseback, it's quite a little ways between the  
5 fences and this is a concept that the only way you are going  
6 to get the concept of is where they are interfering with the  
7 free roaming nature of the horses is to look at the space we  
8 are talking about and you can't do that on a map.

9 MR. NADER: I agree. I think the key emphasis would be  
10 finishing the document and as we get close to that, we ought  
11 to think about how that's best to get people intimately  
12 involved in the document and the ground, to use a pre-used  
13 word. But I think that, in my mind, I think that pretty much  
14 takes care of what we need to do today unless somebody else  
15 has some other things.

16 MR. JOHN ESPIL: This whole process has been  
17 unbelievably devastating to our family, you can't believe what  
18 it's done to all of us.

19 MR. NADER: I get upset, so I can imagine what -- I  
20 don't have a tenth or eighth or one-thousandth of what you get  
21 and get upset and can't sleep at night, so I don't know how  
22 you survive.

23 MR. JOHN ESPIL: Hopefully through your help and  
24 everyone's help and Bill, we can finally come up with a focus  
25 document that everybody can pick at our place or whatever we  
26 want, but we will have something. This is the first one of

1 it's kind that I know of. I guess Cedar Creek --

2 MR. PHILLIPS: We've got several of them in the  
3 district. We've got --

4 MR. NADER: The ones that have worked, Bill, you told me  
5 have been the ones the permittees came up with.

6 MR. PHILLIPS: Cedar Creek is a permittee driven plan  
7 which is good.

8 MR. NADER: I hate to say it, it's kind of like Bob  
9 said, a tour, you can almost take the process and drive it.  
10 Your document, because we have seen the internal problems that  
11 Bureau's had getting something done, if the permittees were  
12 the driving force taking people along, you might just run  
13 right past the Bureau and they may have no choice and that's a  
14 reality they just don't seem to be able to see. That's no  
15 different than university. Seems like larger outfits can't  
16 seem to focus and get something done. They are so busy  
17 reacting, they can't really get beyond the reaction.

18 MR. PHILLIPS: The umbrella plan process to me was when  
19 we started, it sounded like it ain't too complicated, just get  
20 the data together and that leads you somewhere. It's like we  
21 ain't there yet and of course that was one reason that I put  
22 in what I put into it. I thought nothing is ever going to  
23 happen and this may be the tool that makes something happen.

24 MR. SWAGGART: Bill, I know you put in a lot of work on  
25 this thing and I think it's a hell of a good document and I  
26 think it provided the focus that everybody needed to get on

1 with talking about it.

2 MR. PHILLIPS: It isn't that I'm not that -- just like  
3 these numbers, that's just a starting number. What you looked  
4 at that sheet in there where I showed a range from here to  
5 there, you can see this is the change that will take place,  
6 you can do that with each one of those compartments. I didn't  
7 do that, but it's very easy to do, you put this many cows and  
8 this many acres and by changing cow numbers, when they are in  
9 there for a short time, it changes the forage requirement per  
10 acre up. I knew it wasn't going to be too much, but the small  
11 numbers show it and I'm sure the people on the outside, we go  
12 from this to that and it's going to devastate us.

13 MR. SWAGGART: That's a very good point because a lot of  
14 times when people look at numbers, they think, oh, well, one  
15 guy is talking about 800 cows and one guy is talking about a  
16 thousand cows. When you put it in perspective how much  
17 difference, that means five pounds per acre, that's nothing,  
18 that's a good perspective.

19 MR. PHILLIPS: The average person has no concept of what  
20 an acre is even. It's people that don't understand acres,  
21 don't understand basically an acre is from the yellow line to  
22 the white line on the average highway half a mile long, we  
23 call all these acres. You put one of the riparian areas here  
24 and float it down half a mile highway, most of them don't go  
25 very far. They've got no concept of it. They haven't plowed  
26 enough, Bob. One time I plowed two sections of ground buffalo

1 sod that had been turned over, two sections, and I had a Model  
2 B John Deere and it was lapping over half, so it was getting  
3 ten feet. This is the steel wheels and most of the people  
4 that -- you get to appreciate an acre. Most of the people we  
5 have in the Bureau do not have that kind of concept. They  
6 don't think in those terms.

7 MR. SWAGGART: I think maybe some of them gathered that  
8 appreciation when they did that functionality thing on the  
9 riparian because they would say let's assume it's 20 feet wide  
10 and then they have five miles and it comes out two acres.

11 MR. PHILLIPS: I bet every one of them would have over  
12 guessed it. If they hadn't done the math and the Bureau  
13 riparian policy is 75 percent in function, that applies. It  
14 was a question in my mind. I called Washington, I said, "What  
15 does this mean?" They write this stuff all the time, you  
16 can't tell what it means. They said that means acres, not  
17 necessarily this many locations and that changes the picture  
18 all together. And if we look after those things, you have it  
19 identified right there. I think you got 75 percent of the  
20 acres. If you want to do more, that's fine, too, but they get  
21 these upland swing areas totally out of proportion.

22 MR. NADER: Or focused, almost.

23 MR. SWAGGART: You sure got to wonder the game agencies  
24 have carried this upland spring thing to a ridiculous extent.  
25 If the driving force is the deer wintering habitat, most  
26 spring horses don't provide for the deer. Even if they were

1 filled up with willows, the average one is two-tenths of an  
2 acre, how many deer are you going to stick in there?

3 MR. PHILLIPS: The meeting we had a week ago at Reno, if  
4 you took all the cows out, I don't see this is going to make a  
5 significant difference for deer. Right away, they didn't  
6 listen. We are not talking about deer, you know, we are  
7 talking about everything, but they didn't listen to the  
8 statement that maybe change -- I really think that you get  
9 something going here, you got to do some things for a while.  
10 For sage grouse, you are going to do some things out there,  
11 but I don't think unless we get some kind of special seeding  
12 or something, that is not going to make that significant  
13 change for deer and I think those people can't, somehow or  
14 other, their mind won't let them accept that.

15 MR. SWAGGART: I think you are right.

16 MR. PHILLIPS: They get this mental block.

17 MS. VICKY ESPIL: I don't think they are really worried  
18 about the deer, do you, Bill?

19 MR. PHILLIPS: They say that they are.

20 MS. VICKY ESPIL: That is not their focus, like you  
21 said.

22 MR. PHILLIPS: It was, but then they changed. It was  
23 when we started, this was the deer issue and it's changed.  
24 Okay. If we are done with that, I want to talk to you about  
25 what's going on so that you will be in the loop.

26 Okay, the decision for '94, which they figure on putting



1 into full force and effect, and of course I have a feeling you  
2 people should have been involved with that before now, it's  
3 kind of come take a look. I don't see much change in sheep as  
4 far as really change. There was some stuff in cows, but we  
5 figure on sending this out of here tomorrow night, so if you  
6 want to go see what that looks like, make some suggestions, do  
7 that type of thing, why that door is open. I talked with Rick  
8 Hanks this morning and I said, "Okay, if these people will  
9 give us an application that we are in agreement, we still got  
10 to send this out for full force and effect," and he feels it  
11 does on account of game agencies and so fourth and that is  
12 kind of being set there.

13 MR. SWAGGART: What I guess we want to know is what is  
14 the big deal that's changed since 1992? What is the  
15 information that is being used to justify Hanks' decision? Is  
16 it Hanks that's going to put it out?

17 MR. PHILLIPS: I don't know. They want -- well, we  
18 won't be here, so it will probably go out under Hanks'  
19 signature and when you look at things, they don't have any  
20 data. It says there's too many cows out there unless you want  
21 to save riparian. If you want to save riparian is the driving  
22 thing, then, you know.

23 MR. SWAGGART: But in '92, the Bureau selected the  
24 riparian areas that we called key areas in the North Fork,  
25 South Fork of Parsnip and Lower Smoke and we adjusted.

26 MR. PHILLIPS: If you do what you are talking about

1 right here, and I think that's in '94, they expect that and I  
2 think that will work. I don't see that that's -- but see, the  
3 big issue has got to be the uplands in Skedaddle and  
4 Dry Valley Rim and I told Hanks, even this decision that's  
5 being written basically says, "Okay, we are going to disregard  
6 the 40 percent on those upland areas and we are going to Hanks  
7 on this."

8 MR. SWAGGART: What upland areas are in tough shape?

9 MR. PHILLIPS: It ain't upland areas, it's upland  
10 riparian.

11 MR. SWAGGART: Writing this decision that he is going to  
12 ignore those, yet that's the basis of the decision?

13 MR. PHILLIPS: No, you can come look at it, I guess.  
14 There will be stipulations and stuff. I guess you got a  
15 choice and you can go look at it ahead of time or wait until  
16 it comes out and react to it and of course, if you are not  
17 happy then, I guess your lawyer is probably going to get a  
18 stay and then two game agencies will get an injunction against  
19 you turning out at all and I can sit back and watch what  
20 happens, you know.

21 MR. JOHN ESPIL: That's my whole point in asking  
22 repeatedly why write a decision in the first place? All we do  
23 has to depend -- we have an AUM with addendum. I still don't  
24 understand why he has to write a decision because writing a  
25 decision just opens it all up to appeals again.

26 MR. PHILLIPS: I'm not sure.

1 MR. JOHN ESPIL: I think he is taking his information  
2 from an attorney, too, or Stanley or somebody.

3 MR. SWAGGART: I want to know what information he is  
4 basing any kind of change out there on.

5 MR. PHILLIPS: I'm not sure. I think the sheep  
6 operation is going to be intact just like it is and the cow  
7 operation is going to be pretty much intact.

8 MR. JOHN ESPIL: That will only open it up for appeal  
9 from the game agencies. If it looks like it's intact, the  
10 game agencies are immediately going to appeal, why write a  
11 decision.

12 MR. PHILLIPS: I don't know, but see, they have on this  
13 40 percent on upland areas, they grid after the Reno meeting.  
14 I don't know, did that come out? We got to them a little bit  
15 down at Reno, that, hey, you know, we can't -- that is really  
16 not a realistic type thing and I know in my closing speech, I  
17 pointed out this one over in Little High Rock which to me is a  
18 water source and that's the way it should be looked at, but  
19 they talk the same approach on that and they use that  
20 formally, basically what it formally says each year you need a  
21 50 percent reduction, 40 is half of 80. It's got no  
22 relationship to what's going on around it, but they realize at  
23 that meeting since that one lawyer represents the wild horse  
24 people as well as the game entities, somebody said, but you  
25 begin to see out of that meeting at least that they haven't  
26 the practicality, so they have agreed to back off of that

1 somewhat.

2 MR. SWAGGART: So, though upland riparian areas are not  
3 the key riparian areas, so based on the areas that have been  
4 identified, what's the problem?

5 MR. PHILLIPS: Those that are on this, right behind you.  
6 See, we have got those that we agreed to over in the Buffalo  
7 Compartment, but also they identify in a different list these  
8 X's.

9 MR. SWAGGART: Who is they?

10 MR. PHILLIPS: The game agencies.

11 MR. BRENT ESPIL: Red Rock Springs.

12 MR. SWAGGART: Wait a minute. The game agencies are not  
13 in charge of selecting key management areas, the Bureau of  
14 Land Management is and they did that with the Espils on March  
15 6, 1992.

16 MR. PHILLIPS: What I'm saying is those red marks, the  
17 game agencies consider key management areas.

18 MR. NADER: On their own?

19 MR. PHILLIPS: I don't know how much are --

20 MR. NADER: Staff interfaced?

21 MR. PHILLIPS: But anyhow, they have agreed that, hey,  
22 those are not necessarily doable, so now we are back to  
23 looking at those that were identified.

24 MR. SWAGGART: Lower Smoke, South Fork.

25 MR. PHILLIPS: Lower Smoke, Parsnip, North Fork and  
26 Middle Fork and that other one.

1 MR. SWAGGART: Middle Fork and West Fork weren't  
2 identified in '92.

3 MR. PHILLIPS: Anyhow, that complex there, so they have  
4 Stone in there, but --

5 MS. CAROLYN ESPIL: Why are they the driving force?  
6 Because you said, you just said that the permittee plans are  
7 ones that worked. I know why, because our lives are on the  
8 line, my children's lives are on the line. This has taken --  
9 like John said, you can't imagine what this has done to our  
10 family and you can't imagine how I resent that taken from my  
11 children. I'm not getting on you, Bill.

12 MR. PHILLIPS: I understand.

13 MS. CAROLYN ESPIL: It's not you I'm directing it at,  
14 but of course our plan will work because we have so much more  
15 at stake. What does a person from the wild horse people, what  
16 does she have at stake? She can go on to another cause. I  
17 mean, it's --

18 MR. NADER: They don't know the ground as well as the  
19 permittee, who knows the solutions in the ground.

20 MR. PHILLIPS: But from the agency's standpoint, our  
21 state office and the district manager, these people are part  
22 of the driving force and that's a fact. I can't change that.

23 MR. LAVER: You talk to them a whole lot more than they  
24 talk to us.

25 MS. VICKY ESPIL: The problem I have with that the  
26 objective setting part of this is already set, we are our TRT

1 and we had that process where they could have been in on it  
2 all the time. I don't know why after the objective setting  
3 part that these people are still part of the objective  
4 setting. I mean, it's like those objective -- those are fine,  
5 but we've got -- I mean, it's like, and I didn't know there  
6 was a new objective setting part going on and we are not in  
7 the damn loop. That's what I have a problem with.

8 MR. NADER: And that's a very effective way of getting  
9 things done and that's how that agency has kept getting things  
10 done. You can ask Joe by Walker Ranch in Plumas County and  
11 how some of the supervisors, one in particular, said this  
12 sounds like Twin Peaks except in it's Plumas County and it's a  
13 land management decision.

14 MR. PHILLIPS: The umbrella plan that we are working on  
15 will come back out once they get that assembled. I don't know  
16 how much longer it's going to take them to get it assembled to  
17 everybody.

18 MR. JOHN ESPIL: It's a hard call when to go over there,  
19 when writing a decision.

20 MR. SWAGGART: Listen, there has been no consultation.  
21 If they are ready to process or are writing a decision as we  
22 speak, the Bureau of Land Management has failed to consult,  
23 period.

24 MR. JOHN ESPIL: But they can't --

25 MR. SWAGGART: And Bill is sitting here telling us that  
26 the decision is being written, first, subject consultation

1 because it doesn't deal with consent, but second of all, we  
2 know from Linda's letter the other day that her decision that  
3 we appealed, that that's what the plan is. I mean, she said  
4 expect it by March 1 and we know to expect it.

5 MR. PHILLIPS: Anyhow --

6 MR. SWAGGART: We asked in that Reno meeting for any  
7 information, all information which changes the situation from  
8 '92. We haven't received anything except Carolyn picked up  
9 some utilization data from Jack Hanson the other day in some  
10 of these key areas and that's all and that shows slight  
11 utilization everywhere.

12 MR. PHILLIPS: If you look at the uplands, you know --  
13 anyhow, I'm letting you know, that's all.

14 MR. JOHN ESPIL: I wish common sense would prevail, but  
15 it doesn't seem to work. This country has a system, we just  
16 haven't figured it out yet.

17 MR. PHILLIPS: But Rick feels that even if you -- of  
18 course you got an option of submitting an application, but  
19 even if you had that and we agreed with it, then he would  
20 still feel compelled to write a full force and effect  
21 decision. That's part of those stipulations that those  
22 lawyers up there --

23 MS. CAROLYN ESPIL: Yes, but -- well --

24 MR. PHILLIPS: The two game agency's lawyers and our  
25 solicitor.

26 MR. SWAGGART: Does Rick not understand that that has

1 been set aside with prejudice? Does he not understand what  
2 that means?

3 MR. PHILLIPS: I don't know what he understands or  
4 doesn't understand.

5 MR. NADER: I had a discussion with him and I'm like  
6 Bill, I don't know what he does or doesn't, but I made it  
7 clear to him that even if he wrote Mary had a little lamb, I'm  
8 sure it would be appealed by both sides just because the trust  
9 level in this situation is so low. Everybody figured that  
10 meant Mary could run as many lambs as she wanted or Mary  
11 couldn't run any lambs or could only have one lamb and he  
12 looked at me and said, "Well, I've got to do it," and that's  
13 all I could see.

14 MR. JOHN ESPIL: I think he is being told that from the  
15 state office. The state office is telling him to.

16 MR. PHILLIPS: The state office is in this up to -- but  
17 anyhow, that's the situation and if you want to go in and talk  
18 things over, why, I went to Rick this morning and asked him  
19 that question very specifically. If you people presented an  
20 application that we were in agreement with, and I don't think  
21 we are all that far apart, but it still comes out of the final  
22 decision, full force and effect decision.

23 MR. BRENT ESPIL: You work on something like that kind  
24 of going into a positive direction for a long-term plan, we  
25 would hope that we could still be here to work this plan and  
26 you got a stupid son of a bitch like Hanks writing full force



1 and effect decisions. All we are doing is giving money to the  
2 attorney. Sure we are going to have to appeal it. Who knows  
3 if we are going to be here to work this. We are wasting our  
4 time. We can be spending our money looking for another place  
5 to live and another lifestyle. It's sickening.

6 MR. LAVER: The thing is, Hanks and the people in the  
7 state, it doesn't matter to them. It doesn't cost them  
8 anything.

9 MS. CAROLYN ESPIL: Of course it doesn't matter to them.

10 MR. JOHN ESPIL: Get to them personally and that's that.

11 MS. VICKY ESPIL: It's political, game agencies, and  
12 they are forcing -- that agreement in 1989 is not worth much  
13 more than toilet paper. That's how good BLM's word is.

14 MR. NADER: And that's why I said at the beginning, the  
15 short term is probably going to cloud the long term, but I  
16 think this is the only way there is anything going to be  
17 solved on the ground. There is skirmishes in the short term.  
18 These are the only things that are going to be settled, there  
19 is ever going to be improvement. I tried to tell Rick that.  
20 I tried to tell the game agencies that and basically everybody  
21 replies it's out of their hands. I said, "Fine, let me drive  
22 the truck. Somebody's got to grab the steering wheel." That  
23 is when I said nobody can grab this steering wheel right now.  
24 I guess again, I think, either let adversity take you, and I'm  
25 sure you are saying, "That's easy for you to say, Glenn," and  
26 I'm not discounting what you have gone through. I think you

1 got to do the short term, you are stuck with it, the attorneys  
2 and the rounds, but if we can get something on the street  
3 while you are doing that, that's a hard ass thing to ask you  
4 to do both because the short term, as Brent said, is going to  
5 take your focus off the long term, but if we can get something  
6 out there that starts getting people -- I mean, something we  
7 can force them to quit talking about the short term, the  
8 political people are willing to jump in. They just need  
9 something to grab a hold of because they called me and said,  
10 "We are going to meet with the Espils but we need to know what  
11 we can grab hold of," and I think a document is what they need  
12 to shove under somebody's nose and say, "Why haven't you  
13 addressed this? Why isn't this being done and that?" Again,  
14 I could be wrong, but the political people want to do  
15 something, they just don't know what to do.

16 MS. VICKY ESPIL: Another thing that I want to point  
17 out, too, is that this is fine in the long run, but you said  
18 if there should be any improvement out there, we need this  
19 long term. Hey, I beg to differ. As we are, there is  
20 improvement out there, right as we are, not -- we don't need  
21 this to have improvement, we've got improvement, period.

22 MR. LAVER: All we need is people to quit changing the  
23 rules.

24 MR. JOHN ESPIL: I'm glad you stayed around because it  
25 comes back to the county. We can't make a living here because  
26 the Bureau is stipulating us out of business. What are our

1 alternatives with regards to our private land in Lassen County  
2 and Eastern Lassen County? What can we do with that land and  
3 our home place here? I don't know if we can even keep that.

4 MR. BERTOTTE: That's a real concern that the county has  
5 for you folks specifically, and all public land grazers  
6 generally. We've got a real concern for the affect that the  
7 decisions on the range have on the home place and the whole  
8 big picture of the county.

9 MS. VICKY ESPIL: I can tell you -- Stan told me today,  
10 and I asked him to repeat it. Oh, I could understand, but he  
11 said for ever dollar that we put in our operation, two dollars  
12 goes into the community. I see where we put in just a little  
13 ball park figure, \$700,000.

14 MR. BERTOTTE: Just one operation.

15 MS. VICKY ESPIL: And that's on the low side, that's not  
16 on the high side.

17 MR. BERTOTTE: I would suggest his figure is on the low  
18 side. The ratio is actually greater than two to one. No  
19 question that the county recognizes that. We are envisioning  
20 more immediate than a longer-term situation, but we are  
21 envisioning some cooperative participation on the part of a  
22 number of agencies to deal with the open space issues,  
23 grazing, minerals, all of the things that are basically  
24 happening on the east side of Lassen County much the way the  
25 agencies have cooperated at Eagle Lake for the joint  
26 management of Eagle Lake. It's a model, it works real well.

1 I sure don't want to raise your hopes to let you think that we  
2 are going to be able to make a difference this season through  
3 that process.

4 I'm kind of glad I got stuck here, too, because I have  
5 been standing here wondering what can the county lend in the  
6 short term. What can we do? And I guess it's appropriate to  
7 ask you folks, what can the county do? We can certainly  
8 contact the district manager and let him know that we would  
9 sure like to be consulted. The law requires that what they do  
10 to have some level of cooperation with the county. I'm not  
11 certain that's going to do you any good.

12 MR. JOHN ESPIL: We have intermingled private land and  
13 water rights on public lands in Lassen County and I don't know  
14 what the alternative will be in the future if we are deprived  
15 of those water rights or the intermingled land. I guess the  
16 alternative is to fence it and use it as a separate unit, but  
17 because that is economically not feasible, it's not realistic  
18 that we may in the future have to come to the county and ask  
19 for a split or potential to sell or subdivide portions of it  
20 that are suitable for recreational use or summer use or  
21 whatever.

22 MR. BERTOTTE: We recognize that, that's a real pitfall.

23 MR. JOHN ESPIL: It is a pitfall.

24 MR. BERTOTTE: For everybody, including the public at  
25 large whose interests are being so well protected by the  
26 public policy. I don't know what the wilderness advocates are

1 going to think on coming across a bunch of tepees out there on  
2 the land that you had to sell or shot by the people living in  
3 those tepees. We are not going to have a real quality  
4 wilderness or back country experience that way.

5 MR. LAVER: Water is going to be kind of scarce up  
6 there, too.

7 MR. JOHN ESPIL: In answer to your offer to help, we  
8 will have to -- I can't do anything definite right now.

9 MR. BERTOTTE: Nothing comes to my mind. I will offer  
10 specifically, nothing comes to my mind.

11 MR. JOHN ESPIL: We know the county is concerned, it  
12 knows it hasn't been responsive.

13 MR. PHILLIPS: The county supervisor on oversight  
14 committee for East Lassen, isn't that the supervisor?

15 MR. NADER: I'm not sure, I just know Jack Hanson,  
16 myself and Sherm Swanson were three I know.

17 MR. PHILLIPS: And Gene, he showed up. That teaches  
18 him. I think one of the things that you may want to consider  
19 is if the source of the power for this decision is the state  
20 office question, maybe the county -- the county has discussed  
21 about having a study session with the Board of Supervisors  
22 with Rick Hanks. Maybe if he isn't, it's kind of Fish & Game.  
23 If he has no decision, you move it up a notch and ask for a  
24 study with the state director and drag him up to hear it  
25 address the board and it's funny when people have to address  
26 them, they stop and think about why am I really doing this. I

1 know when I'm asked to address something, I go back and say is  
2 it really that important that we need to bring it up. So  
3 that's something that you could discuss with Gene and as Joe  
4 said, we are working on interim policy and I don't know how  
5 fast we can get that policy or what I could do for you. I  
6 think the fact of just asking for a report and discussing with  
7 him as you have and the county's concern about the land use  
8 policies of private land as Gene has made very clear to Rick.  
9 But again, if Rick is not in the decision mode and he is just  
10 reacting to someone telling him on such and such a date you  
11 will do this, then maybe you need to ask for a higher level.

12 MR. BERTOTTE: We don't have trouble with that.

13 MR. NADER: That's the time you ask for Herger's office  
14 to come and sit on the board. They love to come and hobnob  
15 with board members and this gives them a profile, also.

16 MR. PHILLIPS: Anyhow, I didn't want to upset  
17 everybody's lunch. I realize I did, but anyhow, I'm not sure  
18 how much you are going to agree with that decision or disagree  
19 with it, but anyhow, it's coming. I've told you this before  
20 that there was a decision coming down.

21 MR. SWAGGART: Then the issue or decision or letter or  
22 however you want to do it the other day denying the turnout  
23 until a decision is issued and that's under appeal. So I  
24 think Espils position, and we got an AMP, we got a turn  
25 permit, you tell me if I'm misstating something here, and the  
26 cows are going out.

1 MR. JOHN ESPIL: We haven't seen any reason not to.

2 MR. SWAGGART: We haven't been given any data that tells  
3 us anything is new since '92. In fact, the data we have  
4 gotten says everything is being complied with.

5 MR. BRENT ESPIL: You have to go back to the 1989  
6 agreement. Look at the game agencies and BLM stated that  
7 after the objectives were set, the game agencies were not to  
8 be involved in implementation of anything having to do with  
9 livestock raising on AMP, not what has happened. We are left  
10 out of the circle and game agencies are implementing livestock  
11 decisions on our allotment without us being involved. That's  
12 wrong. By God, it's wrong. We also did that in good faith.  
13 We understood what everybody was talking about. It was black  
14 and white in English and they kicked us out of the circle and  
15 game agencies and BLM are deciding how we are going to run our  
16 livelihood on public lands and it's wrong.

17 MS. CAROLYN ESPIL: And isn't it ironic that they had  
18 problems with Skedaddle Mountain with times having livestock  
19 on Skedaddle Mountain and yet it's never considered without  
20 our private water, there would be nothing on Skedaddle  
21 Mountain. That never enters the conversation, does it?

22 MR. PHILLIPS: Not very often.

23 MR. SWAGGART: Not only that, but the data doesn't enter  
24 the conversation, and yet somebody has a problem with it.  
25 That's crazy.

26 MS. CAROLYN ESPIL: It's crazy.

1 MR. SWAGGART: I mean, if anybody should have a problem  
2 with it, it's us because you are not getting full use of your  
3 allotment.

4 MR. LAVER: From '89, '88, '89 long, we haven't run on  
5 Skedaddle until after June 30th, period. We just weren't on  
6 Skedaddle Mountain and now all of a sudden, oops, that's the  
7 wrong time to be up there, we can't be up there until after  
8 June 30th. We have to be off there by June 30th.

9 MR. PHILLIPS: I don't know whether that's going to say  
10 that in the decision or not. That was discussed to start  
11 with, but Steve, I don't know if they show they are doing  
12 anything there. We don't.

13 MR. JOHN ESPIL: Finally looking at data.

14 MR. SWAGGART: Then the question is where is the data  
15 that says what you need to do different than what we agreed in  
16 '92 or the Espils agreed to in '92?

17 MR. PHILLIPS: Nobody showed it to me yet.

18 MR. SWAGGART: Nobody showed it to me yet, either.

19 MR. NADER: But correct me if I'm wrong, I know --

20 MR. PHILLIPS: There is some things, Matt Bailey was  
21 down last week in Reno and they both have big concerns.

22 MR. LAVER: About what?

23 MR. PHILLIPS: Skedaddle.

24 MR. LAVER: What about it?

25 MR. PHILLIPS: Dan feels that Skedaddle Mountain is  
26 being hosed or something.



1 let them off on the hard decisions and we don't force them and  
2 I guess that bothers me a lot of the time.

3 MR. PHILLIPS: You see, the fallacy of what was worked  
4 out before, not the fallacy, it's the incompleteness of what  
5 was done, to me, we talked about doing objectives. To me,  
6 objectives if you want them, you got something here and you  
7 want to change it to this and some kind of time frame. This  
8 is why you want to do that and this is why you do that. You  
9 see, the Bureau is full of objectives that is written. You  
10 get down and say this the way you do it or these are some of  
11 the alternative ways of doing it. You haven't completed the  
12 circle to me and to me, that objective only has validity when  
13 it's doable.

14 MR. SWAGGART: And that's where we start into the  
15 process. We had the objective set and the next set was talk  
16 about the management actions to implement to accomplish those  
17 objectives and that point, she called a halt to the meetings  
18 and said she was going on maternity leave and she was  
19 shorthanded and all the normal number of excuses that you  
20 hear. The point is, the Bureau had called a halt to it. The  
21 Espils were always, have always been ready to talk about the  
22 management.

23 MR. PHILLIPS: Until you take an objective to that whole  
24 process, and of course I would like the seven-step process and  
25 you know why, but no matter how you plan, you got to go  
26 through those steps and if you go through those steps and you

1 MS. CAROLYN ESPIL: Why, I can go get -- what  
2 credibility do these people have? Why are we listening?  
3 Because you know he was kicked out of the main mule deer  
4 foundation. I can tell you -- I can get the guy to tell me.  
5 You know why? Because he is a nut. That's what they  
6 absolutely said. This guy is a nut. He got kicked out, so he  
7 started his own group, it isn't the main group. They know  
8 about the situation because we talked to them personally, but  
9 they --

10 MR. SWAGGART: They went on tours in '89.

11 MS. CAROLYN ESPIL: They don't see anything wrong and  
12 this guy, so you give him --

13 MR. PHILLIPS: See, Skedaddle, to me it's like this: I  
14 can go on Rowland Mountain and Black Mountain and buy this  
15 concept, it holds water for me, but I don't know Skedaddle  
16 that well for me to make that kind of decision and talking to  
17 Bill Britton and the state, I can't come to that same  
18 conclusion as you do for these two up here.

19 MR. NADER: I also think, and this is jumping back to  
20 the plan, but you ought to say on these years, the juniper  
21 encroachment and other things, we shouldn't just talk about  
22 livestock management, you hit those, but I think again we  
23 ought to force them to say, "Look, if you really want deer  
24 country, here's how you get it," and you start investing the  
25 bucks or you start managing the deer for what habitat you  
26 have, make your decision, we are either going -- I think we

1 may come around here is an objective and here you come and the  
2 last of this, this objective is in conflict with another one.  
3 You have to make a choice between what you are going to do and  
4 it seems to me there is a real reluctance on people on the  
5 Bureau's part to make a choice. Sometimes they would just  
6 make a choice. Even if I didn't like the choice, it would be  
7 made, but you can't meet all of these objectives.

8 MS. CAROLYN ESPIL: Bill, when the original AMP '85 was  
9 written, the tone I get from that AMP was they figured the  
10 change in management was going to lead to increased forage and  
11 activation of inactive AUM. That was the tone in that AMP.

12 Now, since '85, the trend shows that it's on -- it's  
13 improvement. How can there be such a drastic change between  
14 the attitude between one that says we are hoping to increase  
15 forage for livestock to now try to get rid of them? I don't  
16 understand this.

17 MR. JOHN ESPIL: Bill, if in fact you improve what is up  
18 there, or that black book, there ain't any reason you can't  
19 get your AUMs back. The thing is what we are doing now is  
20 somehow or other, we got to deal with these sore spots and  
21 they are out there, but you see, as long as those hang in  
22 there, you can't deal with them and you know, it kind of  
23 clouds the picture.

24 MR. SWAGGART: I guess my response to that, Bill, is we  
25 are trying to shoot at a moving target here. When we started  
26 the thing in '89, the focus was, the problem was the big

1 hullabaloo was deer, so we start in on that and as we went  
2 into this thing, this objective process, we didn't limit  
3 ourselves. We looked at sage grouse and everything else, use  
4 of black sage brush. We looked at everything and so this  
5 integrated plan or the umbrella plan, all of that has been  
6 done on a very specific basis right here in Twin Peaks. Now  
7 all of a sudden, we have gone from the big deer winter use  
8 area to --

9 MR. PHILLIPS: Morgan Springs.

10 MR. SWAGGART: Morgan Springs, a pinprick on that map.  
11 In fact, you stick a pin in that map and you have over marked  
12 Morgan Springs.

13 MR. PHILLIPS: The difference between you and I and my  
14 speech is much more violent. I mean, the other day I got so  
15 flustered I didn't know what to do. And it comes down to I  
16 don't know what, but it's an unwillingness, I guess, to accept  
17 certain things that to me are fact. Cows eat grass, grass and  
18 water, but you deal with that.

19 MR. SWAGGART: And that's right, but you can't deal with  
20 a hundred spots, a hundred pinprick spots out there by  
21 limiting that utilization on those pinpricks to 40 percent, if  
22 that hundred pinpricks is that important.

23 MR. PHILLIPS: There isn't anything that says that 40  
24 percent is that sacred. Can I go home? If you fellows want  
25 to come see what's coming out and maybe you can even change it  
26 some, I don't know.

1 MR. LAVER: It will be considered consultation if you  
2 do.

3 MR. PHILLIPS: Sure.

4 MR. SWAGGART: There has been no consultation by the  
5 Bureau and that is that. If they are writing a decision as we  
6 sit here and try to work out a plan, we have asked and asked  
7 and asked for the information that would justify any kind of  
8 change since the '92 agreement that amended the AMP. We have  
9 gotten absolutely nothing, let alone anything that would  
10 support such a change and I don't know, Bill, where is it  
11 coming from?

12 MR. PHILLIPS: I can't answer all these questions, but I  
13 feel like I'm between a rock and hard place.

14 MR. NADER: You definitely are. It's got to be cozy on  
15 certain days when I walk in there.

16 MR. PHILLIPS: I'm trying to look after the resource in  
17 my mind. I'm not trying to choose up sides, either your side  
18 or the Bureau's side or anyone's side, but I have a certain  
19 amount of professional pride. I'm trying to look after the  
20 resource and that's the best I can do.

21 MR. JOHN ESPIL: People are a resource, too, and this is  
22 what is being missed in this scenario as they systematically  
23 change grazing strategies and systematically eliminate certain  
24 families that spent their life out here. We are losing that  
25 resource also. I don't know anyone else who can run sheep in  
26 Twin Peaks the way we do. Cattle is different.

1 MR. PHILLIPS: Get most anybody to replace Brent.

2 MR. JOHN ESPIL: That isn't my point. The point is, the  
3 way the BLM and other people look at it, it doesn't matter if  
4 it's Brent or our cows or RC Robert's cows or somebody from  
5 Santa Barbara that wants to bring cattle up here, cattle are  
6 going to be out there for a while. It doesn't matter the fact  
7 that those cows were raised there. The fact that Brent was  
8 raised there doesn't really matter. You are going to be able  
9 to find somebody to put cattle out there. I believe that,  
10 they will try it, but you will never find anybody to put sheep  
11 out here.

12 MR. PHILLIPS: See, there's United States. We are not  
13 all one culture. You get down to looking at cultural  
14 differences, a lot of people don't realize you come from a  
15 different culture than somebody in Los Angeles since we are  
16 both citizens of the United States, not all of them down  
17 there, but some of them, you know, but you see, there's  
18 different cultures right here in Lassen County, and people  
19 worry about some culture across the ocean someplace. That  
20 really, they get shook up all over that, but they can't look  
21 in their own back door.

22 MR. JOHN ESPIL: The culture is only part of it. The  
23 rest of it is the way we grew up with the business and our  
24 livestock grew up out there. That's where they were raised  
25 and they know their way around, we know our way around, but  
26 that's part of the custom of culture that is attached to the

1 land. It's a good little ranch they've got. I'm not saying  
2 livestock will completely be gone, but the way it's handled  
3 customarily, the custom.

4 MR. PHILLIPS: I guess some of the things out of the  
5 realm of this plan and stuff, but from a philosophical  
6 standpoint, we've got five billion people on the face of the  
7 Earth and in about 100 years, we are supposed to have 12  
8 billion and I think really we live in an ecosystem. You want  
9 to talk about ecosystem that supports three on a sustained  
10 basis over the long, long haul and so as I hear people talk,  
11 well, we are going to become service oriented. My question  
12 is: What are you going to serve them? We are going to have  
13 tourists from foreign countries come here and we are going to  
14 feed them what? You can't feed sweet grass off Skedaddle, but  
15 it's not funny. To support a service oriented economy, we  
16 have to have something to offer.

17 MR. SWAGGART: To support any economy, you got to eat.

18 MR. PHILLIPS: And the whole thing thrives on, you know,  
19 just food chain thing. I don't know. I can't answer the  
20 question, but anyhow, that's what's happening.

21 MR. NADER: We appreciate your time and energy.

22 MR. PHILLIPS: I'll let you know what's going on.

23 MR. LAVER: If we are wrong, at least you will tell us.  
24 The others hem and haw around about it.

25 MR. PHILLIPS: I'm not going to stay with it much  
26 longer.

1 MR. JOHN ESPIL: I don't think we will, either.

2 MR. PHILLIPS: I stood the heat long enough.

3 MR. SWAGGART: It's not the heat, it's the stuff you got  
4 to walk through these days.

5 MR. PHILLIPS: It gets to be a real frustration with all  
6 the different games that go on. I have worked for the  
7 government for 39 years. That's enough. Someplace I'm going  
8 to bail out. I only stayed around this long to help bring  
9 this to a close, but I don't think I'm going to stick to the  
10 end of it.

11 (Proceedings concluded at 4:00 P.M.)

12 ---oOo---

13

14

15

16

17

18

19

20

21

22

23

24

25

26



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

STATE OF CALIFORNIA )  
 ) ss  
 )

I, ELLEN E. HAMLYN, CSR #5558, a certified shorthand reporter within and for the State of California, do hereby declare:

That the foregoing proceedings were taken before me at the time and place set forth and was taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

That the foregoing proceedings were reported by me, a Certified Shorthand Reporter and a disinterested person, to the best of my ability, and was thereafter transcribed into typewriting under my direction and supervision using computer assisted transcription.

I declare under penalty of perjury this 2nd day of March, 1994, that the foregoing is true and correct.

*Ellen E. Hamlyn*  
CERTIFIED SHORTHAND REPORTER  
FOR THE STATE OF CALIFORNIA

ELLEN E. HAMLYN, C.S.R

(916) 597-2944