



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
EAGLE LAKE RESOURCE AREA  
2545 Riverside Drive  
Susanville, California 96130

2-1-95  
IN REPLY REFER TO:  
4320  
(CA 026)

FEB 1 1995

Dear Affected Interest:


Because of your continued interest in the BLM Eagle Lake Resource Area's Twin Peaks Allotment, we are providing you with the latest information on grazing for the 1995 grazing season. Recent developments have resulted in an Agreement between the Espil Sheep Company and the BLM regarding grazing in Twin Peaks for 1995.

Enclosed you will find a Notice that explains the events leading up to this new Agreement, as well as a copy of the Agreement and a Court Order dismissing the lawsuit filed in 1994 by the Espil Sheep Company.

At the consultation meeting held December 20, 1994, on the grazing actions for the Twin Peaks Allotment, a Core Group was formed to review data, identify areas of concern, and concur on solutions. The group was to report their progress to the larger body of Twin Peaks affected interests. The flip chart notes from the January 13 Core Group meeting also are enclosed for your information.

If you have any questions about the enclosed information, please contact Jeff Fontana, Public Affairs Officer, or the Eagle Lake Resource Area Office. Jeff can be reached at (916) 257-5381, the resource area number is (916) 257-0456.

Sincerely,

  
Linda Hansen  
Area Manager

Enclosures: (2)

**BUREAU OF LAND MANAGEMENT  
EAGLE LAKE RESOURCE AREA**

**NOTICE CONCERNING TWIN PEAKS ALLOTMENT**

February 1, 1995

On January 19, 1995, in consideration of an Agreement reached between John Espil Sheep Company and the Bureau of Land Management, the U.S District Court for Nevada dismissed the lawsuit brought by the Espil Sheep Company against the U. S. Department of the Interior. The suit concerned a Grazing Decision issued by the Bureau of Land Management for the 1994 grazing season.

Copies of the Court Order and the Agreement are attached. The Agreement calls for Terms 1, 2, 3 and 5 to be made part of the Espil Sheep Company's grazing permit by adding these terms and conditions to the Company's 1995 grazing authorization.

Term and condition 5 requires BLM and Espil Sheep Company to involve "...any interested affected interest to consult, cooperate, and coordinate the development of an annual plan of operation..." for grazing in 1995.

Under the terms of the Agreement, the BLM will replace the 1994 Grazing Decision and add the above referenced special terms and conditions to the Espil Sheep Company's grazing permit.

This agreement is the result of a series of events that began with a consultation meeting of affected interests held in Susanville on December 20, 1994. All affected interests were invited to this meeting. At this meeting, participants agreed that a small "core group" of affected interests should meet to discuss interim grazing practices for the 1995 season. Specifically, they were to review data, identify areas of concern, and concur on solutions. The group would then report to the larger body of Twin Peaks affected interests.

On January 13, this core group, consisting of a representative from BLM, Espil Sheep Company, Nevada Division of Wildlife, California Department of Fish and Game, and the Nevada Commission for the Preservation of Wild Horses met to develop a strategy for grazing management of the allotment in 1995.

Enclosure 1

Twin Peaks Notice  
Page Two

This strategy is not yet finalized, however, it does propose the construction of several projects designed to improve livestock control and protect specific riparian areas within the allotment. These projects are referenced in Term 4 of the above mentioned agreement. Accordingly, BLM is proceeding with initial project development work which includes environmental analysis in compliance with the National Environmental Policy Act (NEPA). You will be receiving by separate mail a package of maps and descriptions of the proposed projects. We invite your comments on the proposals.

### **TWIN PEAKS PLANNING MEETING SET**

BLM believes it imperative that the core group continue its work in the development of the annual plan of operation for Twin Peaks Allotment in 1995. We want to have this plan completed before the March 1 livestock turnout. To that end, another core group meeting will be held February 21, 1995, to enable the group to work on formulating the annual plan of operation. If weather permits, we are suggesting a tour of the proposed 1995 turn out areas on the following day, February 22. All affected interests are invited to attend and participate. If you wish to attend, please contact the Eagle Lake Resource Area Office by Monday, February 13. We will let you know the time and location..

BLM will continue to keep all affected interests informed of the activities of this core group. If you have any questions or concerns please do not hesitate to call Eagle Lake Resource Area Manager Linda Hansen at (916) 257-0456.

We believe the agreement reached for 1995 sets the stage for all parties to work together to manage the land in ways that will provide for healthy natural resources. We must focus our collaborative effort on the balanced and sustainable use and protection of these resources.

Attachments (2)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA


John Espil Sheep Co., Inc., )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 Bruce Babbitt, in his official )  
 capacity as Secretary, United )  
 States Department of the )  
 Interior; et al. )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

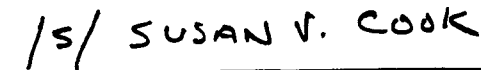
No. CV-N-94-172-DWH

STIPULATION  
FRCP 41 (a)(1)(ii)

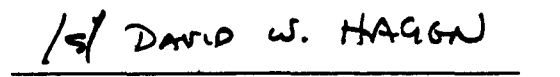
In consideration of the attached Agreement dated January 19, 1995, Plaintiff moves pursuant to FRCP 41 (a)(1)(ii) to dismiss without prejudice Plaintiff's Complaint. It is agreed that this dismissal shall not operate as an adjudication upon the merits of the case filed by Plaintiff. Defendants have no objection to the granting of this motion.

Dated January 19, 1995.

  
\_\_\_\_\_  
W. Alan Schroeder  
Attorney for Plaintiff

  
\_\_\_\_\_  
Susan V. Cook  
Attorney for Defendants

IT IS SO ORDERED.

  
\_\_\_\_\_  
DAVID W. HAGEN  
UNITED STATES DISTRICT COURT JUDGE

DATED: 1/19/95

## AGREEMENT

I. The Bureau of Land Management (BLM) ratifies the Grazing Permit of John Espil Sheep Co., Inc. (Espil), dated May 15, 1990, as modified by the "Agreement Concerning the Twin Peaks Allotment Management Plan" dated March 6, 1992, and as further modified by the "Stipulation" dated February 10, 1994.

II. BLM and Espil agree to the following special terms and conditions for the 1995 grazing season:

1. Lower Smoke Creek:
  - a. Cattle turn out date is March 1, 1995, provided that soil moisture condition is such that the soils are sufficiently firm to prevent "punching" of soils on a significant portion of the area as determined by BLM in consultation with Espil.
  - b. Cattle will be removed by May 1.
  - c. Cattle use will not exceed 400 AUM's (If the turn out date is later than March 1, more cattle can be put into the area for the shorter time).
2. Other Spring Turn Out Areas:

On those areas selected by Espil and BLM for spring turn out of cattle, the turn out date is March 1, 1995, provided that:

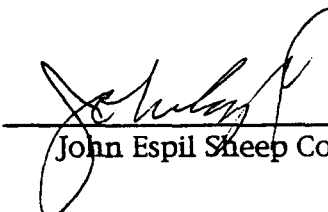
  - a. soil moisture condition is such that the soils are sufficiently firm to prevent "punching" of soils on a significant portion of the area as determined by BLM in consultation with Espil, and
  - b. provided that at least 40% of the residual forage from 1994 is available, as determined by BLM in consultation with Espil.
3. South Fork of Parsnip Wash:
  - a. The BLM will construct a fenced enclosure during the 1995 grazing season in a portion of the riparian area already identified and flagged on the ground. Once this enclosure is constructed, cattle will be excluded from the enclosed area during the balance of the 1995 grazing season.
  - b. The allowable utilization is 60% for the riparian area outside the enclosed area.
4. Riparian Projects:

BLM will provide a timeline on or before March 1, 1995 for the implementation of the riparian projects as identified in the Espil letter to Linda Hansen (BLM), dated December 15, 1994.
5. BLM and Espil agree to meet, including any interested affected interest, to consult, cooperate, and coordinate the development of an annual plan of operation and subject to the provisions of 43 CFR Part 4100, which include the administrative/judicial remedies.
6. Nothing in this agreement is to be construed as superseding the requirements of 43 CFR Part 4100.

III. This replaces and supersedes the Final Decision of the Bureau of Land Management (Susanville District) dated February 28, 1994, relating to the Twin Peaks Allotment.

DATED: JANUARY 19, 1995.

  
Bureau of Land Management

  
John Espil Sheep Co., Inc. Pres.