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2-28-94

BUREAU OF LAND MANAGEMENT SUSANVILLE DISTRICT OFFICE

705 Hall Street
Susanville, California 96130

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February 28, 1994

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FINAL DECISION ON TWIN PEAKS ALLOTMENT LIVESTOCK GRAZING PERMITS

Dear Messrs Laver and Espil:

This Decision is issued to you by the Bureau of Land Management (BLM) in accordance with the authority stated in Title 43 of the Code of Federal Regulations (43 CFR) Subpart 4100.0-3 - Authority and in accordance with 43 CFR 4160.3 and it pertains to and affects your livestock grazing permits on the Twin Peaks Allotment (No. 0701), which is administered by the Eagle Lake Resource Area, Susanville District BLM.

I. INTRODUCTION

A. The Purpose of this Decision

This decision is being issued on your permit to formally state the terms and conditions of your grazing permit for the Twin Peaks Allotment (Allotment) in 1994 and to establish the framework for determining and issuing grazing authorization terms and conditions in subsequent years. These terms and conditions include the kinds and number of livestock, the period(s) of use, the areas to be used, the amount of use (in animal unit months (AUM's)) and other terms and conditions which will assist in achieving management objectives, provide for proper range management and assist in the orderly administration of public rangelands within the Allotment.

B. Documents Related to this Decision

Existing management objectives and actions adopted by BLM that pertain to your grazing permit on the Allotment are found in:

1. "Notice of Final Decision" dated March 6, 1992 (Grazing Decision).
2. "Decision Record for Livestock Grazing on the Twin Peaks Allotment" dated March 6, 1992 (Decision Record).
3. Environmental Assessment Number CA-026-92-07: "Concerning Grazing in the Twin Peaks Allotment" dated March 6, 1992 (EA).
4. "Twin Peaks Allotment Management Plan" dated March 17, 1985 (AMP).
5. "Upper Smoke Creek Aquatic Habitat Management Plan" dated December 14, 1983 (AHMP).
6. "Notice of Final Decision" dated June 24, 1983.
7. "Land Use Plan Summary, Rangeland Program Summary, and Grazing EIS Record of Decision for the Cal-Neva Planning Unit" dated August 9, 1982.
8. "Cal-Neva Management Framework Plan" dated August 3, 1982 (MFP).

II. REASONS FOR ADJUSTMENTS IN GRAZING TERMS AND CONDITIONS (INCLUDING MANDATORY TERMS AND CONDITIONS)

A. The Grazing Decision of March 6, 1992 and Modification of the Twin Peaks Allotment Management Plan

The Grazing Decision was issued to provide immediate refinement to the grazing practices authorized within the AMP to provide temporary protection to vegetative and wildlife resources. The Grazing Decision modified the terms and conditions of your grazing permits on the Allotment and implemented the "Agreement Concerning the Twin Peaks Allotment Management Plan" (Agreement) which was prepared in consultation with you. The Agreement clarified, refined and amended livestock management within the framework of the AMP and contained management actions intended to achieve wildlife habitat objectives pertinent to this allotment contained within the MFP and referenced within the AMP to be met.

Our review indicates that this lack of success is attributable in some part to livestock grazing management practices as currently permitted by BLM. Our review does indicate that wildlife use is not a cause for failing to meet Land Use Plan objectives and therefore, this decision does not change wildlife habitat objectives or recommended populations. Our evaluation of monitoring information pertinent to this allotment and management recommendations based thereon is contained in "Twin Peaks Allotment No. 00701 Evaluation Summary dated February 28, 1994." You and the affected interests for Twin Peaks Allotment participated in the review of this information and in developing the management recommendations contained within it.

The "Agreement to Review Management of the Twin Peaks Allotment between Espil Sheep Company, Earl "Bud" Laver, USDI-Bureau of Land Management, Susanville District, California Department of Fish and Game, Region 1, and the Nevada Department of Wildlife, Region 1" dated March 31, 1989 (Review Agreement), provided a process for reviewing the management of the Allotment.

Although progress occurred pursuant to the provisions of the Review Agreement, it became evident to me in 1991 that the resource issues involved with managing vegetation and wildlife habitat in the Allotment could not be addressed solely through livestock management.

The purpose and intent of the Grazing Decision of March 6, 1992 was to provide refinement to the grazing practices authorized within the Twin Peaks Allotment Management Plan to provide temporary protection to vegetative and wildlife resources.

BLM analysis of monitoring information and other information collected since the issuance of the Grazing Decision has shown that although some grazing practices prescribed within the Grazing Decision were achieved, others were not. Our analysis has shown also that the practices prescribed within the AMP as modified by the decision and as implemented with varying degrees of success did not adequately improve or maintain resource conditions in key wildlife habitat associated with riparian areas.

The grazing practices required by this decision are intended to allow for a greater chance of success to provide temporary protection to vegetative and wildlife resources, including riparian areas, pending development of the integrated management plan.

As described in the Grazing Decision of March 6, 1992, BLM is engaged in a three-phase strategy to address all the issues involved in the management of the East Lassen area, which encompasses an area far larger than just the Twin Peaks Allotment. Although we have made significant progress in implementing this strategy, we still continue to periodically provide short-term management prescriptions within the management framework provided by the AMP as modified by the Grazing Decision to meet short-term management objectives while simultaneously developing a long-term integrated management plan that addresses all resource issues and contains strategy and management actions to achieve all, including grazing management-related, resource goals. The AMP, however, still does not provide for making timely changes in grazing use that may be needed to ensure that resource deterioration on riparian areas is abated.

An examination of the AMP also shows that in many cases, the grazing management guidance it provides is out of date and/or inappropriate when compared with current BLM management guidance, specifically concerning, but not limited to riparian areas.

Another reason for this Decision, therefore, is to modify the AMP to include a framework that provides for grazing authorizations that are annually responsive to short-term objective achievement as determined through analysis of monitoring information, and to provide the mechanism to make mid-season grazing use adjustments that are responsive to objective achievement, and to discontinue provisions of the AMP that BLM has determined to be no longer appropriate.

Once the integrated management plan is adopted, it will provide the long-term management strategy for this area and will supersede the method of procedure for authorizing livestock grazing in the Allotment that is described later in this decision.

III. INFORMATION CONSIDERED

I consider the following information important as it affects my decision concerning your grazing permits:

A. Current Grazing Permits on the Twin Peak Allotment

1. John Espil Sheep Company, Incorporated (Espil)

Espil's current grazing permit (issued May 15, 1990) on the Twin Peaks Allotment is as follows:

Permit Grazing Schedule

<u>Allotment Number</u>	<u>Livestock</u>		<u>Grazing Period</u>		<u>Percent Public Land</u>	<u>Type Use</u>	<u>AUM's</u>	
	<u>Number</u>	<u>Kind</u>	<u>Begin</u>	<u>End</u>				
00701	971	Cattle	03/01	12/31	100	Active	9769	
	4000	Sheep	04/01	05/30	100	Active	1578	
	2000	Sheep	06/01	06/30	100	Active	395	
	2000	Sheep	09/16	09/30	100	Active	197	
	4000	Sheep	10/01	10/25	100	Active	658	
	Not Scheduled						Active	163
	Not Scheduled						Suspended	6739
							Total	19,499

Terms and Conditions¹

Supplemental feeding is limited to salt, mineral and/or protein supplements in block, liquid or granular form. Such supplements shall be placed no closer than 1/4 mile from live waters (seeps, springs and streams). Proper placement of supplements (when needed) helps improve livestock distribution.

Term

The term of this permit is from 03/01/1990 to 02/28/2000.

2. Laver Ranches (Laver)

Laver's current grazing permit (issued March 24, 1993) on the Twin Peaks Allotment is as follows:

Grazing Schedule

<u>Allotment Number</u>	<u>Livestock</u>		<u>Grazing Period</u>		<u>Percent Public Land</u>	<u>Type Use</u>	<u>AUM's</u>	
	<u>Number</u>	<u>Kind</u>	<u>Begin</u>	<u>End</u>				
00701	102	cattle	04/16	10/31	100	Active	667	
	Not Scheduled						Active	3
	Not Scheduled						Suspended	362
							Total	1032

Terms and Conditions¹

Supplemental feeding is limited to salt, mineral and/or protein supplements in block, liquid or granular form. Such supplements shall be placed no closer than 1/4 mile from any water source.

All range improvements authorized under Section 4 Range Improvement Permits or Cooperative Agreements shall be maintained in usable condition for the purpose intended, pursuant to the provisions of said Permit or Cooperative Agreement.

Grazing use offered or authorized hereby is subject to all provisions of the grazing regulations - 43 CFR Parts 4100. Livestock use may be temporarily delayed, discontinued or modified to allow for the restoration of vigor of plants, or to prevent compaction of wet soils (43 CFR 4130.6-2(f)).

¹ These terms and conditions are in addition to the standard terms and conditions for all grazing permits and leases which are pre-printed on the grazing permit or lease form. See attachment 1 for a copy of the standard terms and conditions applicable to all grazing permits.

Term of Permit

The term of this permit is from 03/20/1993 to 02/28/1999.

B. Activity Plan Level Management Guidance

The activity plan guiding the management of livestock use authorized by the Espil and Laver grazing permits is the AMP as modified by the Grazing Decision of March 6, 1992.

The Upper Smoke Creek Aquatic Habitat Management Plan of December 14, 1983 contains the general management objective to restore and maintain the capability of Upper Smoke Creek to provide habitat suitable for survival and reproduction of trout and to increase habitat quality for all species associated with riparian habitats.

C. Management Objectives

1. Grazing Decision and Agreement of 3/6/92

The Grazing Decision and agreement of 3/6/92 intended to:

- Temporarily modify grazing permits and authorized grazing use to provide immediate protection to vegetation and wildlife resources within the Twin Peaks allotment and place the decision in full force and effect.
- Improve current and future communication concerning the management of the allotment through the use of subunits.
- Avoid adverse effects on vegetation and wildlife habitat from continuous growing season use in the North pasture by providing rest from grazing in alternate years.
- Provide for lack of adequate livestock water in South pasture during the hot season.
- Provide food for mule deer by minimizing cattle competition with mule deer for available annual leader growth of bitterbrush.
- Provide recovery of riparian areas and aquatic habitat associated with Lower Smoke Creek by limiting use of vegetation to 40 percent and allowing for regrowth after 4/30 with minimum use of willow, rose, and other vegetation.
- Provide food for mule deer by minimizing cattle competition with mule deer for available annual leader growth of bitterbrush. No cattle use on West side of Rowland Mountain after July 15 to minimize competition with mule deer for available annual leader growth of bitterbrush, or when 60 percent utilization is exceeded on grass key plant species so as not to exceed the moderate use level (40-60 percent) standard set forth in the Cal-Neva land use plan.
- Provide for a total of 10 days sheep trailing in the Rowland subunit after 7/15 to minimize competition with mule deer for available annual leader growth of bitterbrush.
- Provide recovery of riparian areas and aquatic habitats by not exceeding 40 percent utilization of riparian related key plant species in the Parsnip and North Fork Buffalo Creek drainages.
- Limit utilization on key plant species to 60 percent so as not to exceed the moderate use level (40-60 percent) standard set forth in the Cal-Neva land use plan.
- Evaluate existing and establish new key areas for monitoring.
- Avoid sheep conflicts with sage grouse strutting grounds.
- Provide recovery to important wildlife habitat by minimizing sheep use in aspen stands.
- Identify monitoring needs, key plant species, and subunits.
- Provide for ongoing recording and reporting of numbers of livestock and dates of use on maps, by subunit.
- Provide for use of short term monitoring information for livestock adjustments.

2. Allotment Specific Objectives

The Grazing Decision which implemented the Agreement which clarified and refined livestock management within the framework of the AMP does not contain any specific changes or additions of the Allotment Specific Objectives listed in the AMP.

The AMP on page 7 contains the following:

"3. Allotment Specific Objectives

a. Forage Utilization

Utilization of key forage species shall not exceed moderate use level of 40-60% exclusive of water sacrifice areas.

b. Grazing Preference Allocation

Provide livestock forage to satisfy the permittees active grazing preference. During first five years after AMP is implemented, determine actual grazing capacity and reallocate suspended preference if excess forage is permanently available.

c. Range Condition

- Maintain 25,165 acres in good condition.

- Improve 28% of the 176,155 acres in poor condition and 36% of the 158,180 acres in fair condition in 20 years.

d. Prevent soil loss exceeding 2 tons/acre/year.

e. Allow deferment to key winter shrubs every other year to improve vigor.

f. Allow early deferment every year and to start an upward trend in range condition to north side of Skedaddle Mountain/Bull Flat & Rush Creek Basins and the Parsnip Drainage Basins. (See attached map #2 [not provided in this Decision] for areas in Grazing System Section).

g. Prevent the introductory spread of medusahead through the allotment by vegetative manipulation and grazing management techniques."

D. Analysis, Interpretation and Evaluation of Monitoring Information

BLM prepared a technical report entitled "Twin Peaks Allotment No. 00701 Evaluation Summary dated February 28, 1994" concerning the analysis, interpretation and evaluation of monitoring data and other information collected on the Allotment since the Grazing Decision was issued to determine its degree of success in meeting its intent and the intent of the Cal-Neva MFP, Rangeland Program Summary, Grazing FEIS/ROD, and Bureau policy.

In cooperation with BLM, you, as well as affected interests, have been consulted concerning our examination of the information and issues addressed in this report, and the management recommendations contained within it. I have considered your input and comments.

I consider this technical report and the findings and recommendations contained therein germane to this Decision.

IV. DECISION ON GRAZING PERMITS

Based upon the evaluation of monitoring information collected on the Twin Peaks Allotment since March 6, 1992, recommendations from my staff, and input received through consultation, coordination, and cooperation from you and from the affected interests, my final decision is as follows:

I have determined that modifications to your grazing permits and the Twin Peaks Allotment Management Plan as modified by the Grazing Decision dated March 6, 1992, are necessary for the purpose of resource protection and have determined, as in 1992, that immediate protection of these resources must now occur. Therefore, I am modifying your grazing use as authorized by your grazing permits for the Twin Peaks Allotment. I have determined that existing management of wildlife does not contribute to resource deterioration and therefore this decision does not address wildlife management. This modification to your grazing permits shall become effective March 1, 1994. Due to the lack of recovery

of severely deteriorated riparian vegetation and associated habitat since my determination of same in 1992, this decision is placed in full force and effect in accordance with 43 CFR 4160.3(c)

A. Twin Peaks Allotment Management Plan

The Twin Peaks Allotment Management Plan continues to be a part of Espil Sheep Company's and Laver Ranches Grazing Permits for the Allotment and is modified as follows:

1. Changes to AMP section entitled "Allotment Specific Objectives"

Section B entitled "Goals and Objectives", which begins on page 6 of the AMP, is changed as follows:

a. Allotment specific objective "a" shall be changed from:

"a. Utilization of key forage species shall not exceed moderate use level of 40-60% exclusive of water sacrifice areas."
to:

" Short Term Management Objectives

a1. Riparian Key Management Areas: Utilization of key plant species on public lands in riparian key management areas shall result in not less than a stubble height of 4-6 inches relative to ungrazed herbage vegetation on October 31 and shall not exceed 40 percent of current annual growth on shrubs and trees, as determined by examinations acceptable to the authorized officer. The riparian key management areas are publicly-owned areas of North Fork Buffalo Creek, West Fork Buffalo Creek, Middle Fork Buffalo Creek, Buffalo Creek, South Fork Parsnip Creek, Parsnip Creek below South Fork confluence, Chimney Creek, Smoke Creek, Phone Spring, Jenkins Trough, Red Rock 1 Spring, Red Rock 2 Spring, Rocky Table Spring, Jenkins Spring, Indian Spring, Parsnip Spring, Sage Hen Spring; publicly owned areas associated with Horn Spring, Morgan Spring, Antelope Spring, Rush Canyon Spring, and Tin House Spring.

a2. Other Riparian Areas: Utilization of riparian related key plant species on public lands shall result in not less than an average stubble height of 4 inches relative to ungrazed herbage vegetation on October 31 and shall not exceed 60 percent of current annual growth on shrubs and trees, as determined by examinations acceptable to the authorized officer.

a3. Aspen Key Management Areas: Utilization of key plant species on public lands in aspen key management areas shall not exceed 60 percent of current annual growth relative to ungrazed herbage, and shall not exceed 40 percent of current annual growth on shrubs and trees, as determined by examinations acceptable to the authorized officer. The aspen key management areas are the publicly owned aspen stands in the Skedaddle subdivision.

a4. Bitterbrush Key Management Areas: Utilization of bitterbrush on public lands in bitterbrush key management areas shall not exceed 40 percent of current annual growth on July 15, as determined by examinations acceptable to the authorized officer. The bitterbrush key management areas are the publicly owned bitterbrush stands in the Rowland and Black Mountain subdivisions.

a5. Non-Riparian Areas: Utilization of key plant species on public lands shall not exceed 60 percent of current annual growth on October 31, as determined by examinations acceptable to the authorized officer.

a6. Sage Grouse Strutting Grounds: Sheep use and placement of sheep camps on sage grouse strutting grounds shall be avoided between March 1 and April 30."

Rationale: I have determined that the Allotment Specific Objectives of the AMP lack the specificity necessary to sufficiently address the need for management and temporary protection of vegetative and wildlife resources.

2. Changes to AMP Section entitled "Grazing System"

Subsections 1, 2, 3, and 5 of the Grazing System section of the AMP, which begins on page 8 of the AMP, entitled "Basic Operation", "Grazing System Objectives", "Cattle Operation", and "Interim Grazing System" are deleted in their entirety and replaced with:

" Grazing permit terms and conditions in 1994 are those as stated in the District Manager's Decision dated February 28, 1994. Livestock use locations within the Allotment shall be authorized within allotment subdivisions as shown on the attached Map 1, which is made a part of this Decision. Refinement of subdivision boundaries may be required due to new information or new improvements. As this occurs, new maps showing said subdivisions will be created and made a part of this Decision by Agreement or Decision.

1. Method of Procedure for Determining Terms and Conditions for Grazing on the Twin Peaks Allotment Commencing in 1995

Commencing in 1995, terms and conditions of grazing use on the Allotment shall be determined annually by the BLM in careful and considered cooperation, coordination and consultation with the grazing permittees and affected interests. These terms and conditions shall be stated in grazing authorizations to be issued annually to the permittees which shall become a part of the grazing permit that authorizes grazing use on the Allotment. Each grazing authorization shall be consistent with the provisions of this part and with all other terms and conditions described below. Use authorized shall not exceed the established grazing preference for each permittee, unless temporary non-renewable grazing use is authorized in advance by the BLM.

Adjustments to grazing use from one year to the next for the purposes of achieving the short-term management objectives shall be reflected in the annual grazing authorizations and shall be based on analysis of monitoring information. Grazing use authorized shall not exceed the livestock carrying capacities of allotment subdivisions and/or key management areas authorized for grazing. Livestock carrying capacities for the areas authorized for grazing shall be determined annually by BLM through analysis of monitoring information, specifically pursuant to the method described in BLM Handbook TR-4400-7 and employing the following formula:

Actual livestock and/or wild horse and burro grazing use (AUM's) by designated subdivision of the allotment.

Potential actual livestock and/or wild horse and burro use (AUM's) by designated allotment subdivision.

-----divided by-----

equals

----- divided by -----

Actual utilization (percent of total annual growth on key plant species as measured at key areas or by use pattern mapping) that occurred within the allotment subdivision.

Desired utilization level as measured on key plant species in key areas.

Weighted averaging will not be used in areas where forage production and utilization are not uniform.

The 'potential actual use' as determined through the preceding formula and other information acceptable to the authorized officer shall be the livestock carrying capacity for the purposes of this section.

2. Other Terms and Conditions of Annually Authorized Grazing Use

a. Annual Operating Plan

How the terms and conditions of grazing use established in the annual grazing authorizations shall be met shall be stated in an annual operating plan to be completed by the permittees in consultation with the BLM and affected interests before the issuance of the annual grazing authorization. This plan will account for each band of sheep and each cattle herd of greater than ten (10) head.

b. Permit Adjustments based on Vegetation Utilization

Following determination of the annual operating plan and issuance of the annual grazing authorization⁷, BLM may further adjust the permittee's annual grazing authorization terms and conditions, which become a part of the grazing permit, when BLM finds that short-term objective utilization limits as described under 'Allotment Specific Objectives' are being approached or exceeded during the authorized period of use, regardless of the cause of such use. These terms and conditions include but are not limited to, numbers of livestock, period of use and location of use.

Upon finding that short-term utilization objectives are being approached or exceeded, BLM immediately will notify the permittee(s) that livestock must be removed from the pasture, planning compartment, sub-unit or other subdivision of the allotment to another allotment area acceptable to the authorized officer. If no acceptable areas are available, the livestock shall be removed from the allotment. The permittee shall cause such cattle removal to occur within seven (7) days of being contacted by BLM and the removal shall be in a manner sufficient to preclude livestock from returning to the area(s) where the utilization limits have been approached or exceeded.

Such changes in terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

c. Permit Adjustments based on Other Resource Factors

Following determination of the annual operating plan and issuance of the annual grazing authorization, BLM may further adjust terms and conditions of grazing use, including but not limited to, number of livestock, period of use and location of use, based on the phenology stage of key species plant phenology, soil moisture, precipitation or lack thereof and/or other information acceptable to the authorized officer.

Such changes in terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

d. Aspen Stands

The permittees shall cause livestock to be herded in a manner to avoid, and herded away from aspen stand(s). If you or your employees observe livestock in the aspen stands they shall take action to herd the livestock away at that time. In instances when BLM determines that livestock are grazing in aspen stand(s), BLM will notify the permittee(s) that such use is occurring and the permittee(s) shall cause the livestock to be herded away from said stand(s) within two (2) days of notification by BLM. Such herding and livestock movement shall be in a manner which precludes livestock from returning to the said aspen stand(s).

Such changes in Permit terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

e. Sagegrouse Strutting Grounds

Establishment of sheep camps and the bedding of sheep is prohibited on sage grouse strutting grounds. Sheep herding will avoid sage grouse strutting grounds during the period 3/01 to 4/30.

f. Special Provisions for the Rowland Subdivision

Commencing in 1995, livestock period of use in the Rowland subdivision shall comport with the following:

1995: Except for sheep trailing in the spring and fall, livestock use is prohibited.

⁷ Regarding this and future references to the "annual grazing authorization", please see also Section IV (A)(4) of this Decision.

1996: Except for sheep trailing in the spring and fall, livestock use is prohibited after July 15.

1997 and thereafter: Repeat provisions stated above on two-year cycle.

Sheep trailing in the Rowland subdivision is restricted to five (5) days of use during the spring season and five (5) days of use during the fall season. If objective utilization levels have been reached prior to the commencement of trailing, no trailing through Rowland Mountain subdivision will be allowed.

g. Special Provisions for Five Springs, Rim, and Skedaddle Subdivisions

Cattle use in the Five Springs, Rim, and Skedaddle subdivisions is prohibited before July 15 in 1995 and in every odd-numbered year thereafter.

g. Special Provisions for Portions of the Skedaddle Subdivision

Cattle use on the upper elevations of Skedaddle subdivision will be targeted at 250 head during the period 06/21 to 10/20. There will be some livestock drift at the lower elevations from the adjacent Rim subdivision prior to 06/21. Livestock use in aspen stands will be avoided by herding.

h. Special Provisions for the Salt Marsh and Dry Valley Subdivisions

Except for trailing to be authorized in advance, use in the Salt Marsh and Dry Valley subdivisions shall not occur after January 31 and before November 1, annually.

i. Special Provisions for Sheep Use in Specified Riparian Areas

Except for periodic watering in Buffalo Creek during lambing, sheep use of riparian vegetation associated with riparian key management areas in Buffalo and Lower Smoke Creek subdivisions, occurring on public land and considered in combination shall be limited to approximately 10 days total trailing during the spring and fall seasons.

j. Special Provision - Sheep Use Coordination

Commencing two weeks after the first day authorized for sheep use and continuing for every two weeks thereafter while sheep are authorized for use, Espil Sheep Company shall provide Eagle Lake Resource Area BLM a report describing:

1. Current number of sheep being grazed by band;
2. The location of sheep, minimally specific to Township, Range and Section, during the previous two weeks;
3. Planned location of sheep during the next two weeks;
4. Any special circumstances concerning sheep use (e.g. forage conditions, death loss, predators, and the like) that may affect planned use as authorized and may require special consideration by the authorized officer.

Such report may be submitted in writing or be made orally, in person or by telephone.

Based upon the report, monitoring information, and other information acceptable to the authorized officer, BLM may require or allow changes in the number and/or planned locations of sheep.

Such changes in Permit terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

k. In instances when BLM determines that your livestock are grazing in an allotment subdivision currently not scheduled for grazing and such grazing is occurring before or after the flexibility period provided in term and condition 2, above, BLM will notify you that such use is occurring, and you shall cause your livestock to be herded out of said allotment subdivision

within two (2) days of notification by BLM. Such herding and livestock movement shall be in a manner which precludes your livestock from returning to the said allotment subdivision pending the time it is scheduled for use. There is no livestock control barrier between Painter and Black Mountain subdivisions, and Painter and Rowland subdivisions. There will be some drift to Painter subdivision prior to 7/15.

l. Annually, the permittees shall complete and submit an Actual Grazing Use Report, including numbers of livestock, kind of livestock, location of use within the allotment and period of use, to BLM Eagle Lake Resource Area office within 15 days of completing their authorized grazing use.

m. Supplemental feeding is limited to salt, mineral and/or protein supplements in block, liquid or granular form. Such supplements shall be placed no closer than 1/4 mile from any water source.

n. All range improvements authorized under Section 4 Range Improvement Permits or Cooperative Agreements shall be maintained in usable condition for the purpose intended, pursuant to the provisions of said Permit or Cooperative Agreement.

o. Grazing use offered or authorized hereby is subject to all provisions of the grazing regulations - 43 CFR Parts 4100. Livestock use may be temporarily delayed, discontinued or modified to allow for the restoration of vigor of plants, or to prevent compaction of wet soils (43 CFR 4130.6-2(f)).

p. Grazing use authorized by the Grazing Permits for the Twin Peaks Allotment is subject to cancellation, suspension, or modification for any violation of the grazing regulations or of any term or condition of the permits.

Rationale:

I have determined that the above-stated changes are necessary and in the best interests of sound range management and provide for greater resource protection and for improved coordination and understanding among BLM, you and the affected interests than that provided by the Twin Peaks AMP as modified by the Grazing Decision of March 6, 1992 (AMP as modified).

I have determined that some of the terms and conditions authorized by the AMP as modified did not specify management actions in sufficient detail to provide for sufficient timely response to achieve the intent of the 3/6/92 Grazing Decision. I have determined that in some cases the allotment specific objectives listed in the AMP are not compatible with the objectives, goals, decisions or requirements of the Cal-Neva MFP, Rangeland Program Summary, Grazing FEIS/ROD, or Bureau policy. The analysis and evaluation of monitoring data and other information collected since March 6, 1992, indicates that the current management practices must be modified to meet the intent of the 3/6/92 Grazing Decision and/or the MFP, RPS, ROD, and policy. The terms and conditions of authorizing grazing use listed above provide a mechanism for determining the most appropriate livestock use annually based on examination of monitoring and other information and provide for immediate response in making grazing use adjustments. Monitoring studies for 1992 and 1993 indicate that cattle use as authorized has significantly contributed to areas of heavy utilization on riparian vegetation and to heavy to extreme utilization and excessive trampling in and around riparian areas. Allowing cattle use to continue as authorized as approved in the AMP as modified in light of riparian use and forage conditions would contribute to vegetation damage.

3. Changes to AMP Section Entitled "Monitoring"

The AMP section entitled "Monitoring", which begins on page 11 if the AMP, is deleted in its entirety and replaced with:

"Monitoring"

The BLM has monitoring studies established on the Allotment for the purposes of measuring vegetation and other resource attributes to determine the level of progress in meeting management objectives. BLM will continue to collect monitoring information for the purposes of assessing management success and the need for management changes, including but not limited to changes in livestock use. BLM will periodically examine and assess this information and determine if and what kind of changes in livestock use are needed and possible to meet management objectives. Potential changes in livestock use may include but are not limited to,

alone or in combination, numbers of livestock, period-of-use, and area of use. Such monitoring information is maintained by and, upon request, is available for inspection at the Eagle Lake Resource Area Office.

Currently, vegetation monitoring on the Allotment is guided by the 'Two Year Action Plan for Monitoring Wildlife and Livestock Affecting Wildlife Habitat (In Support of the Twin Peaks decision March 6, 1992) Revised June 1, 1992', as periodically updated, and the 'Cal-Neva Monitoring Plan' (1984), which are maintained by the Eagle Lake Resource Area.

Currently, key plant species for monitoring purposes shall be those as listed on Table 1 in the District Manager's Decision dated February 28, 1994. These may change as a result of monitoring plan updates. "

Rationale: I have determined that the types of monitoring discussed in the current monitoring section of the AMP is inadequate to meet BLM informational needs concerning this allotment and does not provide needed management flexibility. Monitoring as a process undergoes changes and adjustments depending on, among other things, the information desired and the decisions to be made. The types and amount of the monitoring information to be collected is at the discretion of the authorized officer. The application and use of monitoring information to support grazing use adjustments is specified in the grazing regulations (43 CFR Parts 4100).

4. Changes to AMP Section entitled "Administration"

The section of the AMP entitled "Administration", which begins on page 25 of the AMP, is changed as follows:

a. Billing Procedures

Subsection 1, entitled "Billing Procedures" is deleted in its entirety and replaced with:

"1. Billing Procedures - Reconciliation Privilege

Authorized grazing use for the year will be specified on a grazing fee bill, which will be issued and be due on the date specified on the bill, which normally is the first day authorized for grazing use in that year. This grazing fee bill, when timely paid, serves as the annual grazing authorization for the permittee for the Allotment. Pursuant to Permit terms and conditions, modifications to the annual grazing authorization and, therefore, the amount of payment for grazing fees due, may occur during the authorized period of use. Changes in use resulting in use of AUM's that differ from the originally authorized grazing use by less than 25 percent will not require an immediate supplemental bill. These changes will be reconciled following the completion of grazing use authorized by the annual grazing authorization, according to the following procedure:

The Permittees shall complete and submit a Certified Actual Grazing Use report within 15 days of completion of the year's grazing use as authorized. Calculation of total grazing use made for the year, in AUM's, will be based upon this report. Differences between fees originally paid and fees actually due will be reconciled by the issuance of a supplemental bill to the permittee(s) that is due upon issuance or a refund payment to be issued by BLM within 45 days of submission of the Actual Grazing Use report. "

b. Flexibility/Requirements

Subsection 2, entitled "Flexibility/Requirements" is changed to read as follows:

"2. Flexibility in Permitted Grazing Use

Besides the flexibility provided by the terms and conditions of grazing use listed in the section of this plan titled "Grazing System", sub-section 2.(b), changes in the terms and conditions of the annual grazing authorization may be made by the authorized officer upon timely application by the permittees. Such applications shall be supported by reasons acceptable to the authorized officer. In the absence of written approval of changes in the annual grazing authorization by the authorized officer, grazing use made that does not comport with the annual grazing authorization shall be considered unauthorized. "

Rationale: Reconciliation privilege provides that the BLM timely receives payment for grazing use authorized while allowing for flexibility in changes in grazing that may occur during the authorized period of use. The "Flexibility/Requirements" section as currently written is in some cases no longer applicable and in other cases is out-of-date. As authorized grazing use will be specified in advance by the annual grazing authorization, any changes to such use beyond provided flexibility will need advance approval by the authorized officer and therefore notification is inherent to the process. Notifications to BLM concerning sheep use and locations are addressed under Other Terms and Condition "k", above.

Other provisions currently in this section addressing annual adjustments in livestock use, adjustments in grazing preference, livestock management practices and trespass are either addressed in Section IV(A)(2) of this Decision or are inherent to BLM's enforcement of the grazing regulations.

B. Grazing Preference Status and Permitted Period of Use

1. Grazing Preference Status

Espil Sheep Company grazing preference status for grazing use in the Twin Peaks Allotment is maintained as follows:

	<u>AUM's</u>	
<u>Active</u>	<u>Suspended Non-Use</u>	<u>Total</u>
12,760	6739	19,499

Laver Ranches grazing preference status for grazing use in the Twin Peaks Allotment is maintained as follows:

	<u>AUM's</u>	
<u>Active</u>	<u>Suspended Non-Use</u>	<u>Total</u>
670	362	1032

All grazing use made by Laver Ranches on Twin Peaks Allotment shall be made by cattle.

2. Changes in Permitted Period of Use

The permitted period of use for Espil Sheep Company on the Twin Peaks Allotment is changed as follows:

From:

	<u>Begin Date</u>	<u>End Date</u>
Cattle Use:	03/01	12/31

To:

	<u>Begin Date</u>	<u>End Date</u>
Cattle Use:	04/01	01/31

The permitted period of use for Laver Ranches on the Twin Peaks Allotment is changed as follows:

From:

	<u>Begin Date</u>	<u>End Date</u>
Cattle Use:	04/16	10/31

To:

	<u>Begin Date</u>	<u>End Date</u>
Cattle Use:	05/01	10/31

C. Specification of Kind and Number of Livestock, Periods of Use, and Amount of Use by Area for the Twin Peaks Allotment Grazing Permits, 1994 Grazing Year Permit Schedule

1. Espil Sheep Company

The grazing permit schedule for Espil Sheep Company on the Twin Peaks Allotment in 1994 is changed from that listed in the Twin Peaks AMP and in their grazing permit to as follows:

ESPIL SHEEP COMPANY TWIN PEAKS PERMIT GRAZING SCHEDULE - 1994

Authorization of Grazing Use shall occur on an allotment subdivision basis. Refer to attached Map 1, which is made a part of this Decision, that shows said subdivisions.

The following grazing use is authorized for Espil Sheep Company on the Twin Peaks Allotment in 1994:

MANDATORY TERMS AND CONDITIONS

SCHEDULE 1

Permit Grazing Schedule - Espil Sheep Company - Twin Peaks Allotment - 1994

Allotment Sub-Division	Livestock		Grazing Period		Percent Public Land	Type Use	AUM's
	Number	Kind	Begin	End			
BUFFALO BUFFALO HILLS	400	CATTLE	04/01	05/14	100	Active	616
LOWER SMOKE CK.	0	CATTLE	-----	-----	100	Active	0
RIM	200	CATTLE	05/15	06/14	100	Active	400
SKEDADDLE	400	CATTLE	06/15	10/31	100	Active	1,828
FIVE SPRINGS	0	CATTLE	-----	-----	100	Active	0
BLACK MOUNTAIN	400	CATTLE	05/16	07/14	100	Active	788
PAINTER	500	CATTLE	07/15	10/31	100	Active	1,792
ROWLAND	0	CATTLE	-----	-----	100	Active	0
STONE CORRAL	0	CATTLE	-----	-----	100	Active	0
CHIMNEY	0	CATTLE	-----	-----	100	Active	0
TWIN PKS ALLOT.	Not Scheduled	CATTLE			100	Nonuse	554
	Not Scheduled	CATTLE			100	Nonuse	3,846

SCHEDULE 2

DRY VALLEY SALT MARSH	212	CATTLE	11/01	01/31	100	Active	640
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SCHEDULE 3

SALT MARSH, BUFFALO, BUFFALO HILLS	2,000	SHEEP	04/01	05/31	100	Active	801
DRY VALLEY, RIM, SKEDADDLE	2,000	SHEEP	04/01	05/31	100	Active	801
SKEDADDLE, 5 SPRINGS	1,000	SHEEP	06/01	06/30	100	Active	198
ROWLAND, STONE CORRAL	1,000	SHEEP	06/01	06/30	100	Active	198
PAINTER, STONE CORRAL	2,000	SHEEP	09/16	09/30	100	Active	196
BUFFALO, BUFFALO HILLS	4,000	SHEEP	10/01	10/25	100	Active	656
						TOTAL	12,760

OTHER TERMS AND CONDITIONS

1. Annual Operating Plan

How the terms and conditions of grazing use established in the annual grazing authorizations shall be met shall be stated in an annual operating plans to be completed by you in consultation with the BLM and affected interests before the issuance of the annual grazing authorization. This plan will account for each band of sheep and each cattle herd of greater than ten (10) head.

2. Flexibility

Your flexibility in adjustment of livestock numbers, period and location without prior BLM written approval is as follows:

Moving livestock between subdivisions, may occur within 7 days before or after the grazing period as identified on the Permit Grazing Schedules. Livestock numbers by allotment subdivision may be less than, but no greater than those as listed on the permit grazing schedules.

3. Permit Adjustments based on Vegetation Utilization

Following determination of the annual operating plan and issuance of the annual grazing authorization³, BLM may further adjust your annual grazing authorization terms and conditions, which become a part of the grazing permit, when BLM finds that short-term objective utilization limits as described under 'Allotment Specific Objectives' are being approached or exceeded during the authorized period of use, regardless of the cause of such use. These terms and conditions include but are not limited to, numbers of livestock, period of use and location of use.

Upon finding that short-term utilization objectives are being approached or exceeded, BLM immediately will notify you that livestock must be removed from the allotment subdivision and/or key management area to another allotment area acceptable to the authorized officer. If no acceptable areas are available, the livestock shall be removed from the allotment. You shall cause such cattle removal to occur within seven (7) days of being contacted by BLM and the removal shall be in a manner sufficient to preclude livestock from returning to the area(s) where the utilization limits have been approached or exceeded.

Such changes in terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

4. Permit Adjustments based on Other Resource Factors

Following determination of the annual operating plan and issuance of the annual grazing authorization, BLM may further adjust terms and conditions of grazing use, including but not limited to, number of livestock, period of use and location of use, based on the phenology stage of key species plant phenology, soil moisture, precipitation or lack thereof and/or other information acceptable to the authorized officer.

Such changes in terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

5. Aspen Stands

You shall cause livestock to be herded in a manner to avoid, and herded away from aspen stand(s). If you or your employees observe livestock in the aspen stands they shall take action to herd the livestock away at that time. In instances when BLM determines that livestock are grazing in aspen stand(s), BLM will notify you that such use is occurring and you shall cause the livestock to be herded away from said stand(s) within two (2) days of notification by BLM. Such herding and livestock movement shall be in a manner which precludes livestock from returning to the said aspen stand(s).

Such changes in Permit terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

³ Regarding this and future references to the "annual grazing authorization", please see also Section IV (A)(4) of this Decision.

6. Sage Grouse Strutting Grounds

Establishment of sheep camps and the bedding of sheep is prohibited on sage grouse strutting grounds. Sheep herding will avoid sage grouse strutting grounds during the period 3/01 to 4/30.

7. Special Provisions for the Rowland Subdivision

Sheep trailing in the Rowland subdivision is restricted to five (5) days of use during the spring season and five (5) days of use during the fall season. If objective utilization levels have been reached prior to the commencement of trailing, no trailing through Rowland subdivision will be allowed.

8. Special Provisions for Portions of the Skedaddle Subdivision

Cattle use on the upper elevations of Skedaddle subdivision will be targeted at 250 head during the period 06/21 to 10/20. There will be some livestock drift at the lower elevations from the adjacent Rim subdivision prior to 06/21. Livestock use in aspen stands will be avoided by herding.

9. Special Provision for the Lower Smoke Creek Subdivision

In 1994, use in the Lower Smoke Creek Subdivision is restricted to trailing on and along the Smoke Creek Road.

10. In instances when BLM determines that your livestock are grazing in an allotment subdivision currently not scheduled for grazing, and such grazing is occurring before or after the flexibility period provided in term and condition 2, above, BLM will notify you that such use is occurring, and you shall cause your livestock to be herded out of said allotment subdivision within two (2) days of notification by BLM. Such herding and livestock movement shall be in a manner which precludes your livestock from returning to the said allotment subdivision pending the time it is scheduled for use. There is no livestock control barrier between Painter and Black Mountain subdivisions, and Painter and Rowland subdivisions. There will be some drift to Painter subdivision prior to 7/15.

11. Special Provisions for Sheep Use in Specified Riparian Areas

Except for periodic watering in Buffalo Creek during lambing, sheep use of riparian vegetation associated with Parsnip, Buffalo and Smoke Creeks, occurring on public land and considered in combination, shall be limited to approximately 10 days total trailing during the spring and fall seasons.

12. Special Provision - Sheep Use Coordination

Commencing two weeks after the first day authorized for sheep use and continuing for every two weeks thereafter while sheep are authorized for use, you shall provide Eagle Lake Resource Area BLM a report describing:

- a. Current number of sheep being grazed by band;
- b. The location of sheep, minimally specific to Township, Range and Section, during the previous two weeks;
- c. Planned location of sheep during the next two weeks;
- d. Any special circumstances concerning sheep use (e.g. forage conditions, death loss, predators, and the like) that may affect planned use as authorized and may require special consideration by the authorized officer.

Such report may be submitted in writing or be made orally, in person or by telephone.

Based upon the report, monitoring information, and other information acceptable to the authorized officer, BLM may require or allow changes in the number and/or planned locations of sheep.

Such changes in Permit terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

13. You shall complete and submit an Actual Grazing Use Report, including numbers of livestock, kind of livestock, location of use within the allotment and period of use, to BLM Eagle Lake Resource Area office within 15 days of completing your authorized grazing use.

14. Supplemental feeding is limited to salt, mineral and/or protein supplements in block, liquid or granular form. Such supplements shall be placed no closer than 1/4 mile from any water source.
15. All range improvements authorized under Section 4 Range Improvement Permits or Cooperative Agreements shall be maintained in usable condition for the purpose intended, pursuant to the provisions of said Permit or Cooperative Agreement.
16. Grazing use offered or authorized hereby is subject to all provisions of the grazing regulations - 43 CFR Parts 4100. Livestock use may be temporarily delayed, discontinued or modified to allow for the restoration of vigor of plants, or to prevent compaction of wet soils (43 CFR 4130.6-2(f)).
17. Grazing use authorized by the Grazing Permits for the Twin Peaks Allotment is subject to cancellation, suspension, or modification for any violation of the grazing regulations or of any term or condition of the permits.
18. The Twin Peaks Allotment Management Plan, as modified by this Decision, is made a part of your Grazing Permit for the Twin Peaks Allotment.

2. Laver Ranches

The grazing permit schedule for Laver Ranches on the Twin Peaks Allotment in 1994 is changed from that listed in the Twin Peaks AMP and referenced by your grazing permit to as follows:

LAVER RANCHES TWIN PEAKS PERMIT GRAZING SCHEDULE - 1994

Authorization of Grazing Use shall occur on an allotment subdivision basis. Refer to attached Map 1, which is made a part of this Decision, that shows said subdivisions.

The following grazing use is authorized for Laver Ranches on the Twin Peaks Allotment in 1994:

MANDATORY TERMS AND CONDITIONS

SCHEDULE 1

Permit Grazing Schedule - Laver Ranches - Twin Peaks Allotment - 1994

Allotment SubDivision	Livestock		Grazing Period		Percent Public Land	Type Use	AUM's
	Number	Kind	Begin	End			
SKEDADDLE	78	CATTLE	05/01	10/31	100	Active	470

OTHER TERMS AND CONDITIONS

1. Annual Operating Plan

How the terms and conditions of grazing use established in the annual grazing authorizations shall be met shall be stated in an annual operating plans to be completed by you in consultation with the BLM and affected interests before the issuance of the annual grazing authorization. This plan will account each cattle herd of greater than ten (10) head.

2. Flexibility

Your flexibility in adjustment of livestock numbers, period and location without prior BLM written approval is as follows:

Trailing of livestock to the Skedaddle subdivision within 7 days before or after the grazing period as identified on the Permit Grazing Schedule.

3. Permit Adjustments based on Vegetation Utilization

Following determination of the annual operating plan and issuance of the annual grazing authorization⁴, BLM may further adjust your annual grazing authorization terms and conditions, which become a part of the grazing permit, when BLM finds that short-term objective utilization limits as described under 'Allotment Specific Objectives' are being approached or exceeded during the authorized period of use, regardless of the cause of such use. These terms and conditions include but are not limited to, numbers of livestock, period of use and location of use.

⁴ Regarding this and future references to the "annual grazing authorization", please see also Section IV (A)(4) of this Decision.

Upon finding that short-term utilization objectives are being approached or exceeded, BLM immediately will notify you that livestock must be removed from the allotment subdivision and/or key management area to another allotment area acceptable to the authorized officer. If no acceptable areas are available, the livestock shall be removed from the allotment. You shall cause such cattle removal to occur within seven (7) days of being contacted by BLM and the removal shall be in a manner sufficient to preclude livestock from returning to the area(s) where the utilization limits have been approached or exceeded.

Such changes in terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

4. Permit Adjustments based on Other Resource Factors

Following determination of the annual operating plan and issuance of the annual grazing authorization, BLM may further adjust terms and conditions of grazing use, including but not limited to, number of livestock, period of use and location of use, based on the phenology stage of key species plant phenology, soil moisture, precipitation or lack thereof and/or other information acceptable to the authorized officer.

Such changes in terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

5. Aspen Stands

You shall cause livestock to be herded in a manner to avoid, and herded away from aspen stand(s). If you or your employees observe livestock in the aspen stands they shall take action to herd the livestock away at that time. In instances when BLM determines that livestock are grazing in aspen stand(s), BLM will notify you that such use is occurring and you shall cause the livestock to be herded away from said stand(s) within two (2) days of notification by BLM. Such herding and livestock movement shall be in a manner which precludes livestock from returning to the said aspen stand(s).

Such changes in Permit terms and conditions may be implemented immediately but will be confirmed in writing by the BLM and shall be a part of the annual grazing authorization, which is a part of the grazing permit.

6. Special Provisions for Portions of the Skedaddle Subdivision

Cattle use on the upper elevations of Skedaddle subdivision will be targeted at 250 head during the period 06/21 to 10/20. There will be some livestock drift at the lower elevations from the adjacent Rim subdivision prior to 06/21. Livestock use in aspen stands will be avoided by herding.

7. You shall complete and submit an Actual Grazing Use Report, including numbers of livestock, kind of livestock, location of use within the allotment and period of use, to BLM Eagle Lake Resource Area office within 15 days of completing your authorized grazing use.
8. In instances when BLM determines that your livestock are grazing outside the Skedaddle subdivision, and such grazing is occurring before or after the flexibility period provided in term and condition 2, above, BLM will notify you that such use is occurring, and you shall cause your cattle to be herded back into the Skedaddle subdivision within two (2) days of notification by BLM. Such herding and livestock movement shall be in a manner which precludes your livestock from leaving Skedaddle subdivision.
9. Supplemental feeding is limited to salt, mineral and/or protein supplements in block, liquid or granular form. Such supplements shall be placed no closer than 1/4 mile from any water source.
10. All range improvements authorized under Section 4 Range Improvement Permits or Cooperative Agreements shall be maintained in usable condition for the purpose intended, pursuant to the provisions of said Permit or Cooperative Agreement.
11. Grazing use offered or authorized hereby is subject to all provisions of the grazing regulations - 43 CFR Parts 4100. Livestock use may be temporarily delayed, discontinued or modified to allow for the restoration of vigor of plants, or to prevent compaction of wet soils (43 CFR 4130.6-2(f)).
12. Grazing use authorized by the Grazing Permits for the Twin Peaks Allotment is subject to cancellation, suspension, or modification for any violation of the grazing regulations or of any term or condition of the permits.
13. The Twin Peaks Allotment Management Plan, as modified by this Decision, is made a part of your Grazing Permit for the Twin Peaks Allotment.

RATIONALE: I have determined that the above-stated changes are necessary and in the best interests of sound range management and provide for greater resource protection and for improved coordination and understanding among BLM, you and the affected interests than that provided by the Twin Peaks AMP as modified by the Grazing Decision (AMP as modified).

The analysis and evaluation of available monitoring data and other information indicates that the current management practices must be modified to meet the intent of the March 6, 1992 Grazing Decision, Cal-Neva MFP, Range Program Summary, Cal-Neva Grazing FEIS/ROD, and Bureau policy. Monitoring studies for 1992 and 1993 indicate that cattle use has significantly contributed to areas of heavy utilization on riparian vegetation and to heavy to extreme utilization and excessive trampling in and around riparian areas. Allowing cattle use to continue as authorized by the originally approved AMP and Agreement in light of riparian use and forage conditions would contribute to vegetation damage.

The change in season of use for cattle is necessary to provide immediate short-term protection to public rangeland resources and specifically to eliminate over utilization by cattle of vegetation associated with riparian areas on the Allotment in 1994 and succeeding years. This initiates recovery and improvement of riparian resources in the Allotment. The livestock closure in Lower Smoke Creek in 1994 will continue the recovery and will eliminate the possibility of livestock grazing practices from impacting riparian resources.

This Decision provides for increased intensity of management. Increased intensity of management will help provide needed control of grazing use to maintain the riparian and aquatic condition in some areas of the Allotment and to improve the condition of riparian areas, preserve crucial winter range for mule deer and antelope, and to allow the short-term objectives to be met in other areas.

Monitoring studies for 1992 and 1993 have indicated also that in the Allotment, sheep grazing use this year has resulted in small areas of heavy forage use and large areas of slight forage use. Sheep are scheduled to use Allotment as flexibility is allowed under the provisions of the Twin Peaks AMP. Increased herding will result in better distribution than can be managed for cattle, and water hauled to the sheep will reduce their impacts to riparian areas.

The actual grazing use made during 1993 was 9603 AUMs. This level of use exceeded the desired use level in many riparian and other sensitive areas. I have decided, therefore, not to authorize the use level above that made in 1993 and withhold a portion of the active preference from active use during grazing year 1994. Any adjustments made in subsequent years will be based on the method for determining adjustments described in BLM handbook TR-4400-7. Future monitoring data will be evaluated following this decision to determine if any adjustments are necessary and/or if any additional modifications in existing management will be necessary.

D. Vacation of Grazing Decision of March 6, 1992, and Duration of this Decision

The Grazing Decision issued to you dated March 6, 1992, is hereby vacated in its entirety.

This Decision is an interim measure to remain in effect until the Bureau of Land Management either: in accordance with its requirements and procedure, develops and implements a revised allotment management plan for the Allotment, and/or an integrated, comprehensive management plan that addresses the vegetation, wildlife, and other resource issues and concerns in the overall East Lassen area; or, until a subsequent Decision replacing or modifying this Decision is issued by the BLM.

Rationale: The March 6, 1992, Grazing Decision is replaced by this decision. The provisions of this Decision is intended to be an interim measure pending the completion of plan for the purposes stated above.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the grazing preference specified in a grazing permit or grazing lease and may make changes in the grazing preference status. These changes shall be supported by monitoring, as evidenced by rangeland studies conducted over time, unless the change is either specified in an applicable land use plan or necessary to manage, maintain or improve rangeland productivity."

4110.3-2 (b): When monitoring shows active use is causing an unacceptable level or pattern of utilization or exceeds the livestock carrying capacity as determined through monitoring, the authorized officer shall reduce active use if necessary to maintain or improve rangeland productivity, unless the authorized officer determines a change in management practices would achieve the management objectives.
4110.3-2 (c) Where active use is reduced it shall be held in suspension or in nonuse for conservation/protection purposes, until the authorized officer determines that active use may resume.

4110.3-3 (c) "When the authorized officer determines that the soil, vegetation, or other resources on the public lands requires temporary protection because of conditions such as drought, fire, flood, or insect infestation, after consultation with affected permittees or lessees and other affected interests, actions shall be taken to close allotments or portions of allotments to grazing by any kind of livestock or to modify authorized grazing use. Notices of closure and decisions requiring modification of authorized grazing use shall be issued as final decisions which are placed in full force and effect under 4160.3 (3) of this title."

4120.2(a): "The allotment management plan shall include terms and conditions under sections 4130.6, 4130.6-1, 4130.6-2 and 4130.6-3 of this title, and shall prescribe the livestock grazing practices necessary to meet specific multiple-use management objectives."

4130.2(c)(iii): "Grazing permits or leases authorizing livestock grazing on public lands and other lands under administration of the Bureau of Land Management shall be issued for a term a 10 years unless it will be in the best interest of sound land management to specific a shorter term."

4130.6: "Livestock grazing permits and leases shall contain terms and conditions necessary to achieve the management objectives for the public lands and other lands under Bureau of Land Management administration."

4130.6-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity as determined through monitoring and adjusted as necessary under sections 4110.3, 4110.3-1 and 4110.3-2."

4130.6-2: "The authorized officer may specify in grazing permits and leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

4130.6-3: Following careful and considered consultation, cooperation and coordination with the lessees, permittees, and other affected interests, the authorized officer may modify terms and conditions of the permit or lease if monitoring data show that present grazing use is not meeting the land use plan or management objectives.

4160.3(c): "The authorized officer may place the final decision in full force and effect in an emergency to stop resource deterioration. Full force and effect decisions shall take place on the date specified regardless of an appeal."

APPEALS

If you wish to appeal this decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470 and 43 CFR 4160.4, you are allowed thirty (30) days from receipt of this notice within which to file such an appeal with the Susanville District Manager, Susanville District, Bureau of Land Management, 705 Hall Street, Susanville, California 96130.

An appeal should be made in writing and specify the reasons, clearly and concisely, why you think the decision is in error.

Sincerely,



Herrick E. Hanks
District Manager

Attachments:

Attachment 1: Standard Permit Terms and Conditions
Map 1: Allotment Subdivisions of the Twin Peaks Allotment
Table 1: Twin Peaks allotment key plant species in relation to allotment subdivisions

Courtesy Copies:
By Certified Mail:

Boyd Gibbons, California Dept. of Fish and Game
William Molini, Nevada Division of Wildlife
Lassen County Cattlemens' Association
Lassen Sportsmens' Club
Organized Sportsmen of Lassen County
National Audubon Society
California Mule Deer Association
Sierra Club, Mother Lode Chapter
Mountain Lion Foundation
Nevada Woolgrowers Association
Wayne Howle, NV Deputy Attorney General
Organized Sportsmen of Modoc County
Mark J. Urban, CA Deputy Attorney General
Dawn Lappin, Wild Horse Organized Assistance
Stan Boltz, USDA, SCS
Rose Strickland, Sierra Club, Toiyabe Chapter
Natural Resources Defense Council (Johanna Wald)
NV Commission for the Preservation of Wild Horses
W. Alan Schroeder
California Native Plant Society
Bob Schwegert, Intermountain Range Consultants
Nevada Cattlemens' Association

Certified Mail No. P 770 244 810
Certified Mail No. P 770 244 815
Certified Mail No. P 770 244 823
Certified Mail No. P 770 244 821
Certified Mail No. P 770 244 824
Certified Mail No. P 770 244 830
Certified Mail No. P 770 244 811
Certified Mail No. P 770 244 820
Certified Mail No. P 770 244 829
Certified Mail No. P 770 244 816
Certified Mail No. P 770 244 826
Certified Mail No. P 770 244 828
Certified Mail No. P 770 244 822
Certified Mail No. P 770 244 817
Certified Mail No. P 770 244 814
Certified Mail No. P 770 244 818
Certified Mail No. P 770 244 813
Certified Mail No. P 244 770 819
Certified Mail No. P 770 244 805
Certified Mail No. P 770 244 827
Certified Mail No. P 770 118 918
Certified Mail No. P 770 118 919

By First Class Mail:

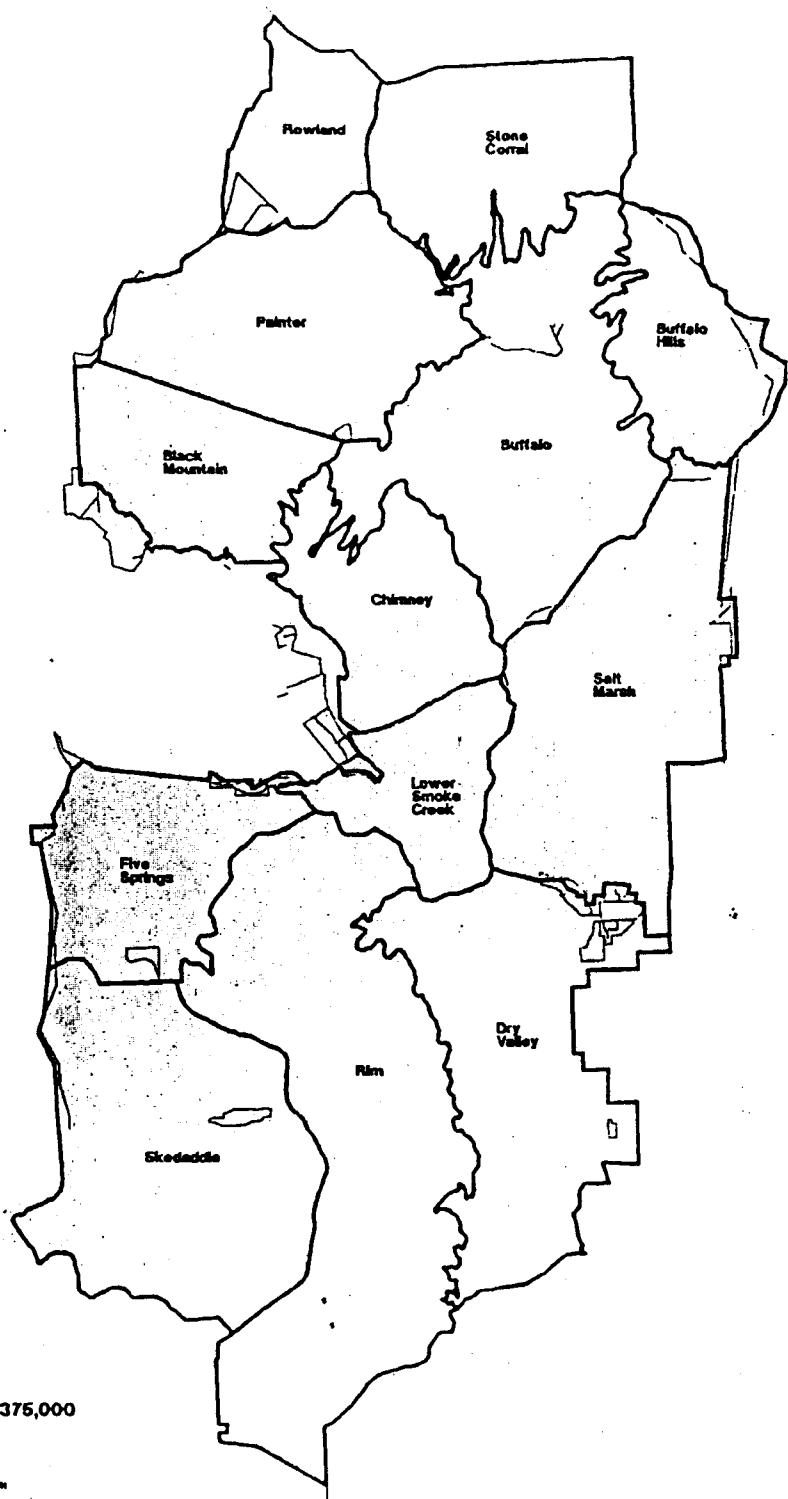
Rich Elliott, California Dept. of Fish and Game
Frank Hall, California Dept. of Fish and Game
Lassen County Farm Bureau
Lassen County Fish and Game Commission
Lassen County Planning Department
Lassen CARES
Glenn Nader, U. C. Cooperative Extension
Jean Loubet, Lassen County Board of Supervisors
Congressman Wally Herger, Second District, California
Ed Hastey, California State Director, Bureau of Land Management
Jim Morrison, Bureau of Land Management, CA
Vivian Vaught, Sierra Club
Burton Stanley, Regional Solicitor
Banky Curtis, California Dept. of Fish and Game
Mary Messmer, Sierra Club
California State Senator Tim Leslie
George Berrier, American Mustang and Burro Assoc.
Dr. Eric Loft, California Department of Fish and Game
Washoe County Planning Department
Sherm Swanson, University of Nevada, Reno
Tom Ballow, Nevada Department of Agriculture
Congresswoman Barbara Vucanovich, Second District, Nevada
The Mule Deer Foundation
Mike Dobel, Nevada Division of Wildlife
Fred Wright, Nevada Wildlife Federation
Roy Leach, Nevada Division of Wildlife

Table 1. Twin Peaks allotment key plant species in relation to allotment subdivisions.

KEY PLANT SPECIES BY ALLOTMENT SUBDIVISION				
ALLOT. SUBD.	GRASSES	SEDGES	FORBS	SHRUBS
Stone Corral	Squirreltail Bluebunch wheatgrass Thurbur's needlegrass Basin wildrye	Carex sp.	Cusick sunflower Wooly sunflower Phlox	Bitterbrush Low sagebrush Mountain Mahogany Willow
Lower Smoke Creek	Squirreltail Bluebunch wheatgrass Thurbur's needlegrass Indian ricegrass	Carex sp.		Willow Interior rose Cottonwood Winterfat Budsage
Five Springs	Squirreltail Bluebunch wheatgrass Thurbur's needlegrass Basin wildrye Sandberg's bluegrass	Carex sp.	Phlox Balsamroot Hawksbeard Buckwheat	Low sagebrush Black sagebrush Willow
Painter	Squirreltail Bluebunch wheatgrass Mat muhly Creeping wildrye Thurbur's needlegrass Basin Wildrye	Carex sp.	Cusick sunflower Wooly sunflower Phlox	Silver sagebrush Black sagebrush Low sagebrush Willow Interior rose Bitterbrush Mountain Mahogany
Chimney	Squirreltail Bluebunch wheatgrass Thurbur's needlegrass Indian ricegrass	Carex sp.		Winterfat Budsage Willow Interior rose
Black Mtn.	Squirreltail Thurbur's needlegrass Basin wildrye		Phlox	Bitterbrush Mountain Mahogany Willow
Skeddaddle	Squirreltail Bluebunch wheatgrass Thurbur's needlegrass Basin wildrye	Carex sp.	Phlox Balsamroot Hawksbeard	Bitterbrush Low sagebrush Big sagebrush Aspen
Dry Valley	Squirreltail Thurbur's needlegrass Basin wildrye Indian ricegrass Sandberg's bluegrass	Carex sp.	Phlox Balsamroot Hawksbeard	Winterfat Budsage Spiny hopsage Fourwing saltbush Black sagebrush Low sagebrush Willow Interior rose Cottonwood
Rim	Squirreltail Thurbur's needlegrass Sandberg's bluegrass Bluebunch wheatgrass Basin wildrye	Carex sp.	Phlox Balsamroot Hawksbeard	Black sagebrush Low sagebrush Willow
Buffalo	Squirreltail Basin wildrye Mat muhly Sandberg's bluegrass Bluebunch wheatgrass Creeping wildrye Thurbur's needlegrass Indian ricegrass	Carex sp.	Cusick sunflower Wooly sunflower Phlox Hawksbeard Buckwheat	Willow Interior rose Black sagebrush Low sagebrush Winterfat Budsage Spiny hopsage Fourwing saltbush

Buffalo Hills	Squirreltail Thurbur's needlegrass Sandberg's bluegrass		Phlox Hawksbeard Buckwheat	Low sagebrush Winterfat Budsage Spiny hopsage Fourwing saltbush
Rowland	Squirreltail Bluebunch wheatgrass Thurbur's needlegrass Basin wildrye	Carex sp.	Phlox	Bitterbrush Mountain Mahogany Willow
Salt Marsh	Thurbur's needlegrass Sandberg's bluegrass Bluebunch wheatgrass Creeping wildrye Squirreltail Indian ricegrass	Carex sp.	Phlox Hawksbeard Buckwheat Cusick sunflower Wooly sunflower	Low sagebrush Winterfat Budsage Spiny hopsage Fourwing saltbush Willow Interior rose Black sagebrush

Twin Peaks Allotment



Allotment Subdivisions

- Fences
- Allotment Subdivisions



Scale 1:375,000

