



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SURPRISE RESOURCE AREA
P.O. BOX 460
CEDARVILLE, CALIFORNIA 96104-0460

Attachment 20
1-29-90



IN REPLY REFER TO:

4120 (CA028)
M/W ESP FILE

January 29, 1990

Karen Shimamoto
U.S. Forest Service
Warner Mtn. Ranger District
Cedarville, CA 96104

Dear Karen:

The February 27 and 28th Modoc/Washoe Stewardship Committee Meeting is quickly approaching. The enclosed Combined Stewardship Planning Meeting Minutes from the November meeting in Boise are enclosed for your review prior to this meeting. The 1990 report and the Annual Combined Stewardship Meeting, to be hosted by Modoc/Washoe Stewardship Program will be an item of discussion at the February meeting.

A more detailed agenda will be forwarded to you following the Executive Committee Meeting. If you have any questions regarding the enclosed minutes, please contact me at the Surprise Resource Area Office (916) 279-6101.

Sincerely,

Richard A. Westman, Acting

J. Anthony Danna
Surprise Resource Area Manager

Enclosure (1)
Combined Stewardship Planning Mtg. Minutes

COMBINED STEWARDSHIP PLANNING MEETING
November 28, 1989

Those attending:

<u>NAME</u>	<u>LOCATION</u>	<u>REPRESENTING</u>
Deane Zeller	Salt Lake City	BLM Randolph Area
Dan Pence	Dillon, Montana	Forest Service East Pioneer
Dale McKnight	Wise River, Montana	Forest Service East Pioneer
Rick Schwabel	Butte, Montana	BLM, East Pioneer
Roy Jackson	Salmon, Idaho	BLM, Challis
Ross McElvain	Challis, Idaho	Forest Service, Challis
Tony Danna	Cedarville, California	BLM, Modock-Washo
David A. Stewart	Wise River	Rancher, East Pioneer
Keith Axline	Challis, Idaho	Id. Conser. League, Challis

Keith Axline opened the meeting by stating the idea for getting together was conceived in Logan last September. The Agenda for this get together is to cover: 1) a discussion or post-mortem of the Logan meeting, 2) to finalize plans and commitments for the next meeting which will be hosted by the Modock-Washoe Stewardship area, and 3) to develop content and format for the 1990 report.

I. LOGAN MEETING

It was the consensus of the group that the Logan meeting was very well organized and informative. Dave stated that there seemed to be a lack of trust between agencies and users in the Randolph area. Deane agreed that the Randolph users did not seem to be buying the concept of Stewardship. Deane stated that there seemed to be a lack of common goals, values and viewpoints between members of the Stewardship committee. Some of the users are misjudging realities in that they do not recognize the obvious range problems or other uses under a multiple use concept. It was pointed out that in the three larger areas the livestock industry petitioned to get into a Stewardship program, whereas the Randolph area was probably agency driven. It was also pointed out that the ranchers who petitioned to get into a Stewardship program were motivated by a crisis situation, meaning livestock reductions.

II. NATIONAL STEWARDSHIP MEETING

Tony Danna, Area Manager of the Cederville BLM, stated that the Modoc-Washoe group had just recently met to discuss the next annual meeting. The group had a little trouble discerning what the purpose of the meeting would be. If the meeting is informational, they felt a field trip would be in order. If the meeting is educational or organizational in structure, a field trip is not necessary and the meeting is probably best held in Reno. The Modoc-Washoe committee seemed to be split on this issue and desired more guidance from this meeting.

COMBINED STEWARDSHIP PLANNING MEETING

November 28, 1989

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The group felt they all enjoyed the field trips that have been conducted, as it developed a sense for the resource and problems each Stewardship area was working with. But, they felt that additional field trips were not necessary at this time.

Another concern that came up during the discussion was an apparent polarization between ranchers and environmental groups. Dave pointed out that ranchers have a tendency to feel like they have no input to any decision making regardless of their effort. On the other hand, it was noted that environmental groups will not do anything to compromise their national agenda.

During the discussion it was apparent that rancher turnout was a major concern for the annual meetings. Deane pointed out that he set up discussion panels to help educate his users to other demands upon the public lands; unfortunately most of the ranchers did not show up to hear what other interested citizens had to say. Deane wondered whether it was Stewardship's mission to educate the rancher or is it a mission to get better management on our individual Stewardship units. Perhaps we need to focus the purpose of our meetings.

Rick Schwabel suggested inviting people to the annual meetings which have a high amount of credibility among the ranchers. He suggested National Cattle Association or Public Land Grazing Council people and elected officials. Names that came up along these lines were Jim Magagna, John Buckhouse, Wayne Burkhardt, Ken Spawn, Doc Hatfield, and the Wyoming ranchers which spoke at the Logan meeting.

Tony mentioned that there was a chance to coordinate the Stewardship meeting with a California CRM group, which is a group of local, interested people and associated local, state and Federal agencies who have banded together to integrate, coordinate and communicated in an effort to accomplish specific goals. By conducting a meeting in conjunction with this group, we could have a larger drawing card to encourage rancher and environmentalist participation.

It was suggested that this meeting also be used to pump each other up, to motivate each other, and to serve as a forum to exchange ideas and tell each other of our successes and failures.

In summary, the next annual meeting will be in Reno during the later half of November. Each area will be expected to share with the other groups their successes. The format will be somewhat of a problem solving, work shop type of meeting with at least one panel discussion. This group thought that coordinating the meeting with the California CRM group would be a very good idea, and because the meeting will be in Reno there will be no associated field trip. Tony felt that this would be enough information to which they could develop and organize the Eighth Annual Meeting.

III. 1990 REPORT

Most of the following discussion took place on November 29 at 8:00. The discussion opened with a listing of the deficiencies and problems that had developed out of the writing of the 1985 report. The group thought that it was a good idea to keep the report focused on the mission of the Stewardship commission and that was to: 1) improve rangeland conditions 2) provide incentives for individual operators to improve the rangeland conditions and 3) to reduce agency costs. It was also felt that this 1990 report should also answer many of the criticisms laid down in the GAO report.

With all this in mind, Keith Axline suggested a format which would give an accurate, simple picture of the Stewardship program for the last ten years. He stated that the report should simply list the successes and failures. Some of the ideas which came up during the discussion are as follows:

A. Successes

1. Adversaries are now talking, we have good rapport for conflict resolution.
2. We have started addressing the riparian concern.
3. Range conditions are improving in some areas (before and after photographs used in this session).
4. Moderate reductions have taken place instead of drastic reductions.
5. The grazing fee credit system has been successful as an incentive for range improvement construction.
6. We have found some flexibility.
7. Allotments tend to work better and have better integrity inside the Stewardship areas than outside the Stewardship areas.
8. The Stewardship concept and techniques have been employed in areas of resource management other than livestock, i.e., river recreation plan.

B. Failures

1. Environmental groups and ranchers are polarized in their view of public land use and refuse to accept another's viewpoint, eliminating any type of compromised solution.
2. Top people in environmental and sportsmen's groups are not buying into a compromised agreement made with their representatives during planning team meetings. (This could be due to environmental groups not wanting to be part of a failure).
3. There has been little selling of Stewardship principals among the different factions which make up Stewardship, i.e., ranchers do not sell to other ranchers, environmentalists have not sold to other environmentalists, and so forth.
4. There are internal support problems through the staff levels in the agencies. (Directors and chiefs support the program, however staff support is noticeably missing).
5. There has been a limited use of incentives and experimentation.
6. If a rancher understands the Stewardship consensus process, he can delay a decision indefinitely.
7. Range users are not taking over management of the resource thereby saving agency money.
8. Money and time devoted to the Stewardship program by the Agencies seems to have increased.

C. Statistical Information

Statistical data must be displayed depicting range improvement or degradation.

D. Miscellaneous

On the topic of incentives, Deane Zeller felt that Stewardship was grossly lacking encouragement of incentives for the purpose of improving range conditions. Deane suggested such items as no grazing fee or even subsidies for ranchers in order to improve the range condition.

COMBINED STEWARDSHIP PLANNING MEETING

November 28, 1989

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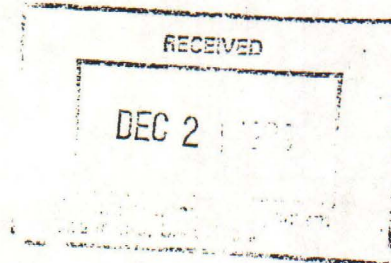
IV. TIME FRAMES AND ASSIGNMENTS

- Dec. 15, 1989 The format of describing successes and failures with accompanying statistical data, with the use of before and after photographs, will be described and itemized by the Challis Stewardship Area and sent to the other areas for their comment and review by December 15.
- Jan. 31, 1990 Writers will be designated from each of the four Stewardship areas, one will be from this meeting today. The format will be agreed upon also. The designated writers will formalize the format and distinctly identify what material to gather and include in the report.
- Apr. 30, 1990 Each area, under the designated writers will gather pertaining information and have it ready for compilation.
- May 31, 1990 The writers of the report will meet and blend each individual area's information into one report.
- Sept. 15, 1990 This draft report will be reviewed by each ESP area and then sent to public information specialists for editing. This edited version will be sent to agency heads in the Washington office for their review and comment. This draft will then be ready for a final review by the November Reno meeting.
- Nov. 30, 1990 The report will be reviewed at the Reno meeting for the purposes of missing information and approval.
- Dec. 31, 1990 The final draft completed.

The Challis area will start the process by sending a proposed format for review. Copies will be sent to each chairperson and/or their secretary with a carbon copy to the person attending this meeting. Each area is to comment on the accuracy of these notes and to get back to the Challis secretary with their comments.

ROSS MCELVAIN
Secretary

Challis Stewardship Program
% Challis District Office
P.O. Box 337
Challis, Idaho 83226



Dear 1990 Report enthusiast;

Enclosed are minutes of the Boise meeting held last November 28, 1989 along with a schedule of time frames and assignments which were agreed upon. In developing the minutes and time frames, Keith, Roy, and Ross had an idea which would stream line the process considerably. We would like you to look over our suggestion and let us know of any objection by January 2, 1990. We feel you will be in agreement with this as it will expedite the report process. Our proposal follows:

At our Boise meeting we agreed to the following report categories: Successes, Failures, Before and After Photographs, and a Tabular form of Range Improvement data. In order to give a more complete picture of the Stewardship program it could be advantageous to use additional categories. Two that come to mind are "Problems" and "Criticisms". These would be a narrative of problems overcome or lingering and our answers to criticisms. There may be others that would more aptly describe situations or issues that you have encountered in your area. Use them if they seem appropriate.

Our next proposal has to do with processes involved with accomplishing our objective of report completion. The following schedule will eliminate one writers meeting and speed up our draft completion date by several months. This proposal is on the next page.

As mentioned earlier, let us know of any concerns with this proposal you may have. We will officially start on our portion of the report Jan. 10. Good luck to us all in our endeavors.

Sincerely,

Keith Axline,
Chairman, Challis ESP

PROPOSED 1990 STEWARDSHIP REPORT SCHEDULE

<u>Due Date</u>	<u>Activity Description</u>
Dec. 15, 1989	The minutes, time frames, and assignments will be assembled by the Challis Stewardship Area and sent to the other areas.
Feb. 15, 1990	Each of the four Stewardship Areas will designate writers, one of which was an attendant of the Boise meeting. These writers will assemble all pertinent information for their area under an appropriate category (data and photographs may not be included until fall) and send to the Challis area for compilation into one document.
May 1, 1990	The Challis Area would compile all information into one draft and mail back to other Stewardship areas.
May 30, 1990	The writers from each area would meet, preferably in Boise, and review and edit the combined draft. Photographs and tables may not be included but space can be designated. Public Information people may be consulted for editing and format layout. We will also firm up the details of how we will go from here. It is important that the original players of the first meeting also attend this meeting.
Jun. 30, 1990	Boise draft finished and mailed back to Areas for their review.
Sept. 30, 1990	The combined draft sent to agency heads in the Washington Office for their review and comment. Their comments will be taken to Reno.
Nov. 30, 1990	The report will be reviewed at the Reno meeting for the purposes of missing information and approval. Additional information will be included at this time such as improvement data and photographs.
Dec. 31, 1990	Final draft completed.

MESSAGE SCAN

TO K.Shimamoto:WM CC Doug Smith

From: Nancy Gardner:R05F09A
Postmark: Jan 12,90 2:59 PM

Subject: Forwarded: 1990 ESP REPORT

Comments:

From Nancy Gardner:R05F09A:

FYI. I talked with Rick Delmas concerning the proposal and have forwarded a copy. He says that neither he nor John Lowrie have had time to start the Modoc's report. I believe the group agreed on the "Vision" format.

...Nancy

Previous comments:

From DAN T. PENCE:R01F02A:

MET W/RICK SCHWABEL TODAY-CONCERNED ABOUT REPORT FORMAT SO EVERYONE COMES UP W/SIMILAR ORGANIZATION. FOLLOWING IS OUR OUTLINE FOR YOUR INFO. PLEASE ADVISE ME IF YOU HAVE PROBLEMS. WE MAY WANT TO CHANGE LATER, BUT THIS CAN GET US STARTED. NANCY-PLEASE GET TO THOSE WORKING ON THE MODOC REPORT!! DALE/SUSIE-NEED HELP ON APPENDIX A

-----X-----

I. INTRODUCTION: ASSUME REVIEWER KNOWS NOTHING ABOUT ESP IN ALL SECTIONS

A. LEGISLATION : BRIEF DESCRIPTION OF SEC. 12, PRIA.

B. PURPOSE OF THE REPORT

II. PROGRAM DESCRIPTION

A. GOALS

B. AREA DESCRIPTIONS (THIS INFO & OTHERS CAN BE UPDATED FROM EARLIER REPORTS).

C. OPERATIONS (BRIEF DESCRIPTION OF HOW ESP PROCESS WORKS)

III. RESULTS AND CONCLUSIONS

A. SUCCESSES

1). REFERENCE LIST IN CHALLIS LETTER

2). EMPHASIZE RESOURCE RESPONSE MORE THAN HOW MANY MILES OF FENCE, AUM'S, MILES OF FENCE, ETC. ALTHOUGH THIS COULD BE INCLUDED. SPECIFIC SUMMARY AND DATA CAN BE IN IV AND V, BELOW.

3). ECONOMICS (AGAIN, SPECIFICS IN APPENDIX) ASSUMING IT IS AN ADVANTAGE, IF DISADVANTAGE SHOW IN IIIB.

B. FAILURES

1). REFERENCE LIST IN CHALLIS LETTER

2). PRECIPITATION INFO-WE ARE ENTERING OUR FIFTH YEAR OF DROUGHT HERE WHICH UNDOUBTEDLY HAS, AT BEST, DELAYED RESPONSE TO SOME MANAGEMENT.

3). RIPARIAN IS A BIG ITEM, SHOW FAILURES HERE, SUCCESSES ABOVE.

C. CONCLUSIONS

1). SUMMARIZE STATISTICAL INFO, INCLUDE SPECIFICS AND RELATED PHOTOS IN APPENDIX A.

2). MISCELLANEOUS

D. RECOMENDATIONS

IV. APPENDIX

A. STATISTICAL INFORMATION AND PHOTOS. KEY IN ON A FEW KEY INDICATOR SPECIES (SUCH AS BLUEBUNCH WHEATGRASS OR IDAHO FESCUE FOR DECREASERS; PHLOX AND SAGEBRUSH FOR INCREASES; OTHERS DEPENDING ON AREA?) RATHER THAN TRYING TO ADDRESS ALL OF THE INDIVIDUAL SPECIES PRESENT. DO USE TOTAL GROUND COVER AS ONE MEASURE.

B. ECONOMIC INFORMATION: E. PIONEER WILL USE FOLLOWING BREAKDOWN-

ECONOMIC ANALYSIS DATA

Investments reflect improvements installed 1980-1989 in all cases.

ESP ALLOTMENTS EXCLUDING EXTENSIVE WATER DEVELOPMENTS

Number of Allotments	#of AUM	\$ FS	\$ BLM	\$ Permittee	FS\$ /AUM	BLM\$ /AUM	Other\$ /AUM	Permittee \$/AUM	Avg \$ /AUM
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ESP ALLOTMENTS INCLUDING EXTENSIVE WATER DEVELOPMENTS

Number of Allotments	#of AUM	\$ FS	\$ BLM	\$ Permittee	FS\$ /AUM	BLM\$ /AUM	Other\$ /AUM	Permittee \$/AUM	Avg \$ /AUM
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COMPARABLE NON-ESP ALLOTMENTS EXCLUDING EXTENSIVE WATER DEVELOPMENTS

Number of Allotments	#of AUM	\$ FS	\$ BLM	\$ Permittee	FS\$ /AUM	BLM\$ /AUM	Other \$ /AUM	Permittee \$/AUM	Avg \$ /AUM
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COMPARABLE NON-ESP ALLOTMENTS INCLUDING EXTENSIVE WATER DEVELOPMENTS

Number of Allotments	#of AUM	\$ FS	\$ BLM	\$ Permittee	FS\$ /AUM	BLM\$ /AUM	Other \$ /AUM	Permittee \$/AUM	Avg \$ /AUM
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(WE MAY WELL WANT TO DROP OUT DIFFERENTIATING BETWEEN THOSE WITH & WITHOUT MAJOR WATER DEVELOPMENTS, DEPENDING HOW IT COMES OUT FOR ALL AREAS. THE BEAVERHEAD HAS INSTALLED NUMEROUS NON-ESP WATER SYSTEMS PRIOR TO 1980, AND TWO EXTENSIVE SYSTEMS ON ESP ALLOTMENTS BETWEEN 1980-89. BECAUSE OF COSTS TO ESP ALLOTMENTS FOR WATER, WHEN SIMILAR SYSTEMS WERE NOT INSTALLED ON NON-ESP DURING THE REPORTING TIME FRAME, ARTIFICIALLY HIGH COSTS DEVELOP ON ESP EVEN IF WE WOULD HAVE DONE SAME DEVELOPMENTS ELSEWHERE IF NEED WAS IDENTIFIED. WE CAN EXPLAIN SITUATION NARRATIVELY AND AVOID DIFFERENTIATION IF OTHERS AGREE.)

Message 677-522
Subj: SHOWCASE AREAS

OPERATOR: PLEASE HAND CARRY THIS TO JIM MORRISON, CA-932.10.

THANK YOU!

SHOWCASE LIVESTOCK GRAZING MANAGEMENT AREA
MODOC/WASHOE EXPERIMENT STEWARDSHIP PROGRAM
SURPRISE RESOURCE AREA

BACKGROUND

The Modoc/Washoe Experimental Stewardship Area includes the Warner Mountain Ranger District of the Modoc National Forest and the Surprise Resource Area of the Bureau of Land Management's Susanville District which is responsible for the management of 1.3 million acres of public land in northeastern California and northwestern Nevada. The Experimental Stewardship Program was authorized by the Public Rangeland Improvement Act of 1978.

In 1979, Susanville District Manager and Modoc National Forest Supervisor jointly applied for and received Stewardship Program area designation. They asked 19 other individuals, groups and agencies from management level positions to participate in the Program as members of the Steering Committee. The Committee was to operate the Program, which would be integrated into the on-going planning processes of the two agencies. It was to provide a forum for all parties interested in participating in the detailed development of allotment management and grazing management plans.

To accomplish this task, the Committee formed teams made up of field-level technicians from the BLM, state departments of wildlife, Soil Conservation Service and the permittees. The teams were instructed to visit the allotments on-the-ground and to come back with a recommendation they could all support. The first allotment review met with success, the process was quickly put to use to identify and solve other livestock grazing conflicts. The teams were expanded to include an environmental and wild horse representatives. The use of the teams has evolved into a planning tool used by the BLM to assist in the development, implementation and monitoring of grazing management plans throughout the Area.

Resource Values

The vegetative communities occurring throughout the Area are highly variable but can be grouped into seven broad categories. These types include saltbrush, sagebrush, juniper, mountain brush, meadows, timber and range seedings. The diversity of vegetation found in the Area provides important habitat to a wide diversity of wildlife species. Mule deer, antelope, sage grouse, quail, chukar, raptors, ducks, geese and approximately 300 species of non-game mammals are found scattered throughout the Area. The Area also supports 500 wild horses which are divided into nine herd areas. There is also eight wilderness study areas which total 375,000 acres. The following depicts the type and amount of use occurring within this Area.

Activity

Fishing	1,000 fisherman days
Hunting - deer	11,000 hunter days
- antelope	1,500 hunter days
- sage grouse	2,000 hunter days
- chukar	1,000 hunter days
Recreation (dispersed)	51,823 visitor use days
Livestock - 41 operators	97,770 AUMs
Wild horses	500 wild horses
Cultural resources	13 sites/section
Minerals	\$214,000 receipts

Acreage

1.3 million acres (entire Resource Area).

Management Objectives

The purpose of the Steering Committee was to develop and guide an experimental and advisory program to foster cooperation and coordination among the various users, the public, and Federal, State and local agencies in a manner which would result in 1) environmental improvement, 2) integrated and improved management of all ownerships, and 3) through improved management, long-range stability of the local economy.

The five stated Goals of the Program defined the land ethic inherent in the purpose of the Steering Committee.

GOAL I: Explore, experiment and develop innovative and creative techniques, policies and management practices leading to improved range condition and livestock production.

GOAL II: Develop and support incentives and rewards of substance to permittees who institute creative and innovative practices that result in range improvement.

GOAL III: Seek ways to integrate private land potential with public lands and to support funding for improvements and practices.

GOAL IV: Promote practices which will improve wildlife and wild horse habitat, protect cultural and historical sites and enhance recreation opportunities.

GOAL V: Make available program information and encourage public involvement.

Management Actions

As a result of the process established by the Stewardship Committee, grazing is being deferred, areas are being rested, stands of decadent sagebrush are being converted to productive crested wheatgrass seedings, and grazing use is being better distributed through fencing, herding, and additional water developments.

Approximately three-fourths of the allotments in the Stewardship Area are under some type of grazing management system which are beginning to show positive management results. These systems, as adjusted through monitoring, will bring about the desired change in range condition.

Other resource values are a major part of this process and interested participants are optimistic about future benefits. Wildlife, recreation, wild horses and watershed needs are being addressed in AMPs. Improved range condition along with improved grazing management will benefit these other resource values.

Some of these other resources have already benefitted through the cooperative establishment of special management areas designed to protect critical resource values. These projects include the designation of High Rock Canyon as an ACEC, the successful reintroduction of bighorn sheep into the Hays Canyon Range and the development of the Massacre Lakes and Sand Creek livestock exclosures.

Monitoring

The Stewardship Committee recognized the importance of monitoring the results of range management practices. A monitoring sub-committee was formed which developed a "common sense" two-phase monitoring program. This program uses a wide variety of monitoring techniques to document changes in vegetation, soils and other resource conditions. The implementation of these monitoring actions will allow for the analysis of vegetative and soil trends, provide adequate information to evaluate the success of each grazing plan and provide a solid base for recommending changes.

Cooperators

The Steering Committee is composed of 21 individuals representing the following interested agencies and user groups: Bureau of Land Management, Modoc National Forest, California Department of Fish & Game, Nevada Department of Wildlife, U.S. Fish & Wildlife Service, Environmental Representative, National Wildlife Federation, Soil Conservation Service, Surprise Valley Resource Conservation District, Vya Resource Conservation District, California Agricultural Stabilization and Conservation Service, Nevada Agricultural Stabilization and Conservation Service, Modoc County Board of Supervisors, Nevada Department of Agriculture, Wild Horse Representative, University of California Cooperative Extension Service, University of Nevada at Reno, Tuledad/Home Camp Permittees Association, Cowhead/Massacre Permittees Association, Warner Mountain Ranger District's Permittees and Modoc County Cattlemen's Association. Each member or their representative had the opportunity to participate on the TRT or be a part of the review of their recommendations. No recommendations were sent to the District Manager without consensus of the Committee.

Accessibility

The Surprise Resource Area is located approximately 200 miles northeast of Reno, Nevada and is accessible via U.S. 395 and State Route 299. A series of light-duty, gravel roads provide access to the interior of the Area.

California State Assembly

Stan Statham (District 1)

California State Senate

John Doolittle (District 1)

U.S. Congress

Norm Shumway

END

Nevada State Assembly

John Marvel (District 34)

Nevada State Senate

Dean Rhoads (Northern Senate)

U.S. Congress

Barbara Vucanovich

CA028 for CA910 13:34 PST 05-Feb-90 Message 677-522 1/1

Action?:

The eleven in a series of success stories from the Modoc/Washoe Experimental Stewardship Program, working to resolve conflicts and improve rangelands in northeastern California and northwestern Nevada.

Successful management of livestock grazing on Western rangelands is a skill. To develop the skill managers should annually record observations of grazing use and other events affecting the range. This information, referred to as range monitoring, is used to improve future grazing use.

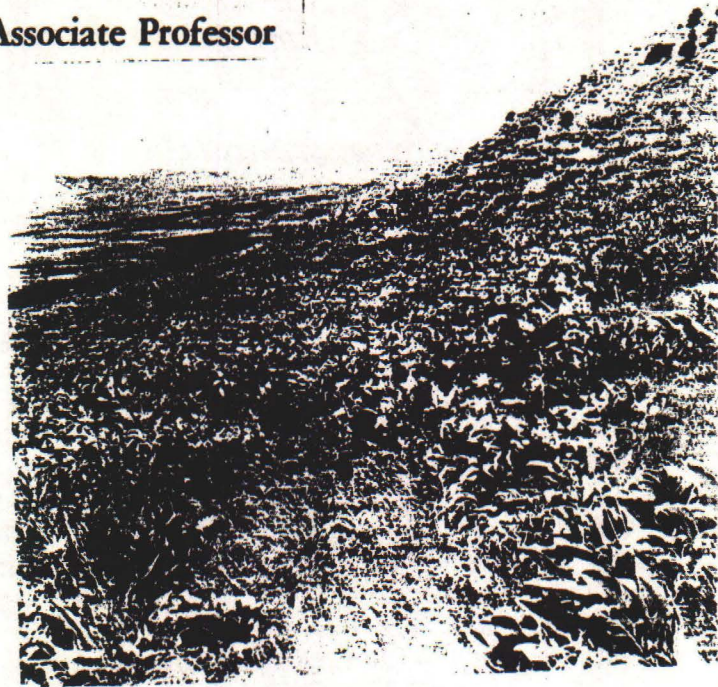
On public lands, the management of grazing is of necessity a joint venture. The livestock manager and the range manager must work together to observe, analyze and adjust range grazing. The absence of working together generally leads to unilateral decisions and subsequent conflicts and appeals. Particularly on public rangelands, yearly observations of event and changes should be recorded in a continuing written record. Such records provide a needed defense for ranchers and agency people who have successfully managed grazing. The absence of such a record provides the opportunity for political and legal interference.

The following outline suggests the kind of information and interpretations needed to effectively manage grazing on rangelands.

ANNUAL EVENT MONITORING

This involves an assessment of the entire allotment near the end of the grazing season to determine the nature of grazing and other events that occurred during the year. This information should provide answers for three questions: "What kind of grazing use actually occurred on the allotment this year?" "Was it in accordance with the grazing plan?" "What other events occurred that may produce future changes in the range?" The information needed to answer these questions includes:

- (1) **Animal Actual Use Record** — An accurate number of grazing animals and grazing dates for each field.
- (2) **Forage Grazing Use Record** — Mapping of grazing use intensity patterns of the allotment, especially problems areas (i.e., areas of obviously insufficient or excessive grazing); and,
- (3) **Other Event Record** — Any events occurring during the year that may significantly alter vegetation should be noted (i.e., general growing conditions, unusual weather events, fires, and heavy grazing by wildlife, rodents, wild horses, insects, etc.).



LONG-TERM TREND MONITORING

This involves measuring or documenting changes that occur in important forage or other resource characteristics of the allotment. This record is tied to a few selected sites on the allotment where permanent photo points and/or transects can be used to document changes over time (range trend). Selection of these trend studies should be based on the objectives in the grazing plan. Photopoints and transects might be established to document trend (changes over time) in certain important or undesirable forage species (i.e. changes in the amount of perennial grasses or halogeton on an important livestock use area or the amount of bitterbrush on an important deer winter range.). These kinds of changes can be credibly documented by the following record:

- (1) **Trend Photo Points** — This photo record should be taken yearly and should include both a general view of the trend site and a close-up of whatever important resource characteristic is being monitored. This photographic record can be primarily obtained by the livestock manager once the photo locations are established; and,
- (2) **Trend Transects** — The photographic trend record should be supplemented by periodic (3-5 year intervals) samplings or measurements of the resource characteristic being monitored. This transect record should be based on specific grazing plan objectives and should be the responsibility of the range manager once the transect locations are agreed upon.

INTERPRETATION OF MONITORING INFORMATION

It is important to use monitoring information to effect better grazing management. Two types of interpretations are appropriate. The information gathered from the annual event monitoring should be used each year to make decisions about how grazing will be done next season. The goal should be to assure that grazing distribution, intensity and timing will occur as called for in the grazing plan. Decisions should jointly be made as to how any grazing problem that occurred during the current year can possibly be corrected or avoided next year. Discussion of these problems and their solutions is best accomplished during the allotment ride at the end of each year's grazing season. Open and informed discussions are an absolute necessity to effective grazing management.

The second type of interpretation should be the periodic (3-5 years) review of documented long-term changes (trend) and the determination of the cause of these changes. This type of interpretation requires a review of the annual record (events) to define or explain why the documented changes occurred. These interpretations of causes and effects make possible an objective evaluation of whether the grazing plan is working or is in need to revision.

The entire process of range monitoring should be a simple and straightforward process jointly accomplished by the livestock manager and the range manager. The field work for most grazing allotments usually requires no more than 1-3 days at the end of the grazing season. This is usually sufficient time to jointly inspect the allotment, record the observations, discuss range events of that season and determine how grazing will be applied next season.

Skillful applications of the monitoring process, by the livestock manager and the range manager, inevitably will result in better management of grazed rangelands. Better grazing management lessens the political opposition of livestock grazing on public lands.

References

"Nevada Rangeland Monitoring Handbook" — a cooperative effort by the SCS, Forest Service, BLM, ARS, and Nevada Range Consultants.

The Modoc-Washoe Stewardship Committee is one of three such Committees mandated by Congress to explore new ways to improve the public rangelands. For information, write ESP, P.O. Box 1090, Susanville, CA 96130

DEVELOPING RESOURCE MANAGEMENT OBJECTIVES

by J. Wayne Burkhardt

The twelveth in a series of success stories from the Modoc/Washoe Experimental Stewardship Program, working to resolve conflicts and improve rangelands in California and northwestern Nevada.

This document describes a systematic, analytic process for developing allotment management or resource management objectives in terms of quantifiable characteristics of the vegetative community that will meet or supply land use goals. Trend monitoring can then be designed around those objectives and subsequent interpretation and reporting of management accomplishments becomes a straight-forward output of the properly defined objectives. This approach has been tested at workshops in Susanville and Cedarville and can be laid out as follows:

1. Identify the planning area (e.g., allotment), resource and land-use issues. Based on the identified issues, develop management goals for the planning area. Identification of issues and development of goals can utilize either Coordinated Resource Management (CRMP) or other forms of public input. Goals should be statements such as, "to provide mule deer winter range" or "... antelope fawning range" or "... livestock summer forage" or "... aquatic habitat".

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2. Define resource management objectives for the planning area based both upon the land use goals and upon site capabilities. Those objectives should be quantitative statements of the desired plant community or communities which are: 1) realistically possible and 2) which best provide for the accomplishment of the goals. That vegetation description then becomes the focus of management and the measure of accomplishments on any particular landscape. Development of management objectives requires an inventory or knowledge of the ecological sites present on the planning area. Those sites which have the potential to uniquely provide vegetation favorable to the attainment of a particular goal are aggregated. The range of possible plant communities for those sites (early to late seral) are identified

In neither of the two above situations would it have been appropriate to have described the management objective in terms of improving range condition. In the case of mule deer habitat we would likely want to move toward or maintain a lower condition class. In the case of the livestock forage goal management would likely be toward higher condition class. However, stating objectives in terms of condition class (an abstraction) obscures the real attribute of the vegetative community (structure and species composition) that creates unique habitat and that can be managed.

3. Develop a management or activity plan. Such a plan would be the traditional one detailing how grazing would be conducted or what other method would be used to manage the vegetation to achieve or maintain the DPC.
4. Develop a monitoring plan which would detail how events which occurred on the planning area would be recorded and how long-term accomplishment of the objectives would be measured.
5. Evaluate and report on progress. Evaluation would involve the periodic assessment of monitoring information to identify changes, as they occurred, in the nature

of the vegetation resource. Evaluation would also include looking at the events that probably produced the changes. The changes would then be compared to the management objectives to evaluate the success of management. Reporting could be in the following terms:

Management On Target

Present plant community is within limits of the DPC and trend is stable or toward DPC.

Management Off Target But Acceptable

Present plant community is within the limits of the DPC and trend is stable or toward DPC.

Management Off Target and Unacceptable

Present plant community outside DPC limits and trend stable or away from DPC.

Management On Target and Unacceptable

Present plant community within DPC but trend away from DPC.

The Modoc-Washoe Stewardship Committee is one of three such Committees mandated by Congress to explore new ways to improve the public rangelands. For information, write ESP, P.O. Box 1090, Susanville, CA 91630.

Testing Objectives
A Seven Step Process

13

by Banky Curtis

The thirteenth in a series of success stories from the Modoc/Washoe Experimental Stewardship Program, working to resolve conflicts and improve rangelands in northeastern California and northwestern Nevada.

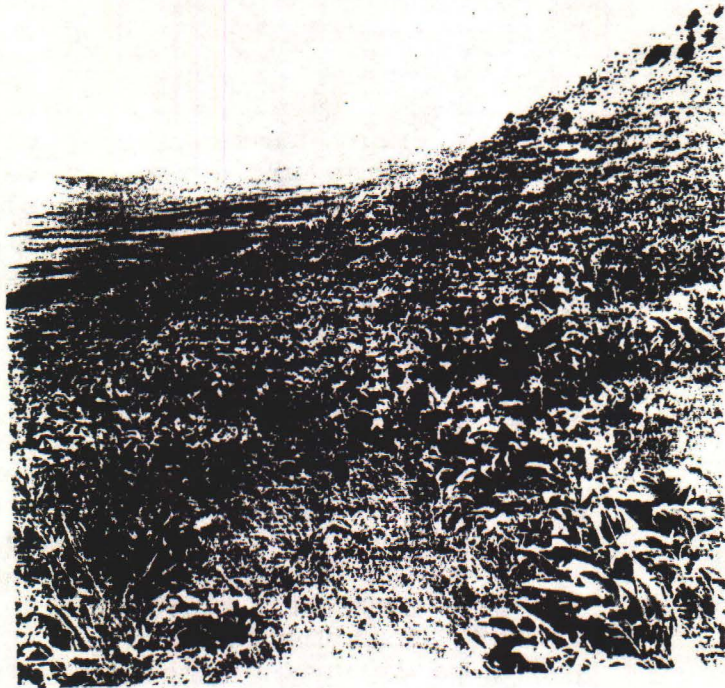
"Setting objectives and monitoring progress" seems like a very basic part of every program and yet it often is neglected or poorly done. Since its inception, the Stewardship Committee has "hammered out" a series of new allotment management plans with significant improvements for resource management.

As the time came for a review of those plans to see how things were progressing, it was soon apparent that the original objectives were not clear and that it was often difficult to determine how well they'd been met. Often objectives were vague like "improve livestock production" or hard to measure like "create additional deer fawning areas".

To resolve this issue the goals and objectives subcommittee developed what has come to be known as the Seven Step Program. As objectives are being developed, they are subjected to the "seven-step process" to assure clarity, attainability and acceptability.

The seven step process is summarized as follows:

1. State the objective in clear terms.



2. State a time frame or series of time frames in which the objective is to be accomplished.
3. State the rationale that leads to the objective.
4. State the action to meet the objective.
5. State how the objective will be measured (by whom, how often, using what technique, etc.).
6. State what equals success for the objective.
7. Test to be sure that our objectives are compatible and that there are no conflicts between objectives.

Use of this process has had several beneficial impacts. As various interest groups discuss objectives it helps them clarify what they are really striving for and makes it possible for people of different backgrounds to see the "same objective". Most of all the process makes the monitoring of progress not only possible but rather straight forward.

How many times have we been in meetings and solved a very complex controversial problem by agreeing on a compromise action only to find that as that compromise was implemented there were different opinions on what that compromise really was. Terms like "made a significant improvement in riparian habitat" mean different things to different people. Using the seven step process has changed "make a significant improvement in riparian habitat" to items like a specific change in water temperature or increase the percentage composition of willow along a stream.

This system has improved the objective writing process and has changed our monitoring program from one that was time consuming and confusing to one that is efficient and relatively clear. Efforts are now being made to hold workshops to train appropriate personnel in how to use the "seven step process" to write good objectives.

The Modoc-Washoe Stewardship Committee is one of three such Committees mandated by Congress to explore new ways to improve the public rangelands. For information, write ESP, P.O. Box 1090, Susanville, CA 96130.

Massacre Mountain Grazing Decision
Sub-Committee Report

02/08/90

- I. Introduction
- II. Committee Members
- III. Sub Committee Task
- IV. Executive Summary of Alternatives
- V. Finding of Fact and Documentation
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 - A. Procedures
 - B. Identification of Issues
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Massacre Mountain Grazing Decision
Sub-Committee Report

02/09/90

I. INTRODUCTION:

The Susanville BLM District Manager's Final Grazing Decision of 04/15/83 was remanded to the District by Nevada District Court Judge Edward C. Reed (Case # CVN-87-618-ECR-Bunyard Vs. Donald Hodel, See Appendix #1). Judge Reed's ruling stated proportionate share reduction may be equitable but is not an automatic approach the BLM can rely on. The terms "equitably apportioned" in the grazing regulations means that the circumstances in each case should be considered on their individual merit and alternatives of allocating a reduction should be analyzed. Equitable is defined in Black's legal dictionary as being "fair", the issue of equitable reduction was brought before the M/W ESP Steering Committee with a request for their assistance in complying with the Court's ruling. The M/W ESP has been involved in planning and implementation of resource management in the Surprise Resource Area since 1980. The Committee participated in developing the Final Grazing Decision of 04/15/83. A subcommittee was appointed to draft a recommended management decision responsive to the Court's ruling.

II. SUB-COMMITTEE MEMBERS:

John Laxague
John Weber
John Lowrie
Rick Delmas
Jean Schadler
Richard Westman
Alan Uchida

III. SUB-COMMITTEE TASK:

The task of the sub-committee was to identify and analyze alternatives for allocating a grazing reduction in the Massacre Mt. Allotment and to recommend a grazing decision that would be equitable to all permittee.

IV. DEVELOPMENT OF ACTION DIRECTIVES:

The sub-committee met four times (02/22/89, 03/31/89, 08/11/89, 02/08/90). The group made an extensive review of current grazing use on the Allotment, past decisions, historical use of the area by class of stock, the court decision, past and current regulations, the allotment history, the management framework plan, the current stocking rate and the management constraints (See Appendix #2 for Minutes and Notes of Sub-Committee).

The sub-committee then developed five action directives that would be used to guide them in the development and analysis of alternative to allocate the proposed suspension in an equitable manner.

Directive #1: Examine ways to lessen the impact of the proposed suspension to the Bunyard operation. One alternative approach could result in no suspension to the Bunyard permit. Suspension of 545 AUMs of the White Pine permit and transfer of the balance as suspended non-use to Long Valley Allotment. Suspend the entire Earp permit if the option exists as a result of the foreclosure sale of Piate Meadows.

Directive #2: Look at the allocation of AUMs between cattle and sheep based on current vegetative survey and resource values.

Directive #3: Review 1981 Draft MFP decision to determine if it was equitable.

Directive #4: Consider the proportionate share suspension (Bureau's original 04/15/83 decision).

Directive #5: Review language of existing land use amendments related to formation of ACEC and livestock exclusion to determine if there was a clear decision requiring cancellation or suspension.

V. FINDING OF FACT AND DOCUMENTATION:

A. Permit Establishment:

(See Appendix #3 for Documentation of Each Permit Establishment and History Summary).

1. Martin Lartirigoyen was issued a Class I permit for 2,400 sheep from 7/1 to 9/30 for 360 aums in California District 2 (Honey Lake, later Susanville) and a Class I permit for 4,200 sheep from 4/1 to 6/30 and 10/1 to 3/31 for 5,960 aums in Nevada District 2 (Pyramid Lake, and later divided between Susanville and Winemucca). The total license of 6,320 aums was affirmed by Rangeline Agreements of 1936 and the 1950's adjudication. Area of use by season is as follows:

<u>AUMs</u>	<u>Season</u>	<u>Area of Use</u>
364	7/1 to 9/30	- Individual allotment in California
2,818	4/1 to 6/30	- Massacre Lakes, Grassy and High Rock Area
1,505	10/1 to 3/31	- Above area until snow and then move to Lava Beds/ Dry Mt. Area.

This use was dependent by use on parallel rangelands (unfenced private lands within areas of use) and was affirmed by a dependent property survey certified by Don Dimock in 1949-50. In 1963 B. G. Bunyard (Lartirigoyen Permit) made application to run 50 head of cattle and 2,500 head of sheep. He has run sheep and cattle from that time.

2. Harold J. Powers was issued a Class I license in the Surprise Valley Unit (Nevada-2, Pyramid Lake) for 4,127 AUMs, 700 cattle from 4/1 to 10/31 and 250 AUMs as a winter permit for 30 cattle and 20 horses from 11/1 to 3/31 use all to be in the High Rock Area. His use increased when he purchased the Espil Lands in 1943, by 3,871 AUMs for use on 49 Mountain

and Long Valley. He acquired an additional 1,487 AUMs for use in Little High Rock when he purchased the Woodruff lands in 1961. He acquired 1,135 AUMs of use in the Wall Canyon Area when he purchased the Scott Ranch in 1961. It is the combination of these permits which are the base for the AUMs which are currently controlled by White Pine Ranch and Ken Earp in the Massacre Mt. and Little High Rock Allotments. He acquired 2,579 AUMs in the Home Camp Area when he purchase the John Bone Lands (formerly Grace Street). These AUMs were subsequently sold in 1974 and are currently in use in the Home Camp Allotment. The Powers permits were based on Class I priorities in Home Camp/Wall Canyon, High Rock/Donnelly Mt. and 49 Mountain/Long Valley. These base property qualifications were affirmed by Don Dimock.

Summary of Powers Permits:

Date	Priority property	AUMs	Season	Area of Use
---	Powers Lands	4,127	4/1-10/31	High Rock Area
1943	Espil Lands			
	Inside 49 field	995	4/1-10/15	49 field
	Outside 49 field	3,871	4/1-10/15	49 / Long Valley
1951	Woodruff Lands	1,487	4/1-10/31	Little High Rock
1961	Scott Ranch	1,135	4/1-10/31	Wall Canyon Area

3. The Massacre Mountain and High Rock Area was established as a common use area with two permittees licensed to graze livestock, Martin Lartirigoyen and Harold J. Powers. There had always been two permittees in the Massacre Mountain Allotment until 1976 when Bill Spoo purchased the Little High Rock Allotment and 569 AUMs in the Massacre Mountain Allotment from White Pine Ranch. At this time there were three permits within the Massacre Mt. Allotment, B. G. Bunyard, White Pine Ranch and Bill Spoo. Currently the three permits in this Allotment are the result of this sale.

B. Permits Adjustments:

1. The first major adjustments which effected all grazing permits within the Resource Area was the 1950 adjudication. A comprehensive historical search and investigation of grazing permits was completed. Don Dimock of BLM conducted the search and completed the permit evaluations in 1950. The Bureau prepared adjudication decisions for every permit in the Surprise Resource Area today. None of the decisions were appealed, based on BLM records and Advisory Board minutes. All of the decisions were reviewed and approved by the grazing board. These decisions changed all ten year permits issued prior to 1950. In 1954 ten year permits were issued to Lartirigoyen and Powers to reflect their federal range use, both accepted and signed their ten year permits. Following this adjudication process, permittee within the Massacre Unit had a range meeting on 12/11/52 and agreed on turnout areas for each user in the area. The attached map shows the turnout areas for the Powers and Lartirigoyen permits (See Appendix #4).

2. The adjudication of the mid-60s is the only other action which has changed these permits since 1950. A 20 percent reduction was issued to all Massacre Unit permittees in 1965 during the Massacre Unit adjudication. This resulted in Bunyard (Lartirigoyen) being reduced to 2,254 AUMs and Betford U (Powers) being reduced to 6,398 AUMs. Neither permittee appealed their adjudication decision. During this process both the Massacre and Home Camp Units were divided into allotments, either as individual or common use areas (See Appendix #5 for Adjudication Results and Allotment Establishment Documentation).

a. The Massacre Mt. Allotment was established as a common allotment to run both sheep and cattle. The Massacre Unit turnout areas identified for Powers permit were moved to within the boundaries of the Massacre Mt. Allotment. No exclusive use areas for sheep or cattle were identified within the allotment boundaries.

The allotment was established by signed agreement of the permittees and there was no appeal. The subsequent reduction in grazing privileges for the Massacre Unit was applied in proportion to the total preference of each permittee in the unit. The adjudication decision did not indicate that Bunyard was agreeing to the relocation of Long Valley permits to the Massacre Mt. area.

b. The Little High Rock Allotment was established by signed agreement and was identified as an individual allotment (W. T. Grace/Powers permit) and would be used by cattle. The Bureau of Land Management did not recognize B. G. Bunyard's historical and licensed use in the area from which the Allotment was created, did not notify Bunyard of a change of grazing use area, thereby not allowing him the opportunity of protest and appeal.

c. The preference within the Little High Rock Allotment consisted of 1,487 AUM's (Woodruff permit) that was historically used in the area plus 1135 AUMs (Scott Ranch) that were transferred from the Wall Canyon area to the Little High Rock Allotment in 1963. From 1934 to 1963 use of the Scott Ranch permit was made in the Wall Canyon area. When this transfer was made, W. T. Grace owned the Woodruff, Scott Ranch, Espil and Powers permits. After the transfer of this permit, the Little High Rock Allotment was reduced by 41 percent as part of the Home Camp Unit adjudication. The reduction for the rest of the allotments within the Home Camp Unit was 30 percent. The AUMs attached to the Scott Ranch have been under controversy since 1938. The files show the priority was under continuous protest by other grazers of the Wall Canyon area until 1943. The record does not indicate approval of the Grazing Board for the relocation of the Scott Ranch permit from the Wall Canyon area to Little High Rock. The record does not indicate approval of the Grazing Board for retention of Class I classification.

3. The first sub-division of areas within the Surprise Resource Area occurred during the 1950 adjudication. The Surprise Area was divided into sixteen sub-areas, which were referred to as units. The area currently identified as the Massacre Mt. Allotment was located in the

Massacre Unit while the Little High Rock Allotment was located in the Home Camp Unit. The adjudication for the Surprise Resource Area in the early 60's was completed using these sixteen sub-areas. This adjudication established the carrying capacity of each unit and set-up allotments within each sub-unit. The Massacre Mt. Allotment was established by the adjudication of the Massacre Unit and the Little High Rock Allotment was established by the adjudication of the Home Camp Unit. Each unit was handled separately. During the early 70's the Bureau adopted a new land use planning process. Under this process, the sixteen sub-units were abandoned and the Resource Area was divided into four areas which were referred to as planning units. These became the Cowhead, Massacre, Home Camp and Tuledad Planning Units. The Massacre Mt. and Little High Rock Allotments were both located within the Massacre Planning Unit.

C. Land Exchange:

1. Two exchanges of public and private land have taken place in the Fortynine Mountain area. These exchanges have resulted in the Fortynine Mountain area becoming totally private land. This created some obvious advantages for the private land owner (Powers permit). The 1959 land exchange between Harold J. Powers and the BLM resulted in an exchange of approximately 3,443 acres of his private land east of Central Lake for approximately 1,984 acres of public land inside the Fortynine Mountain Field. The adjudication summary sheets show a loss of 485 federal licensed AUM's within the 49 Mountain Field that were associated with lands exchanged. No additional AUM's were licensed to the Powers permit for Powers lands acquired by the BLM. The 1975 land exchange between White Pine Lumber Co. and the BLM resulted in an exchange of approximately 4,921 acres of private land in High Rock Canyon, the base lands that established Power's Class I priority in the High Rock area, for approximately 5,790 acres of public land inside the 49 Mt. Field. Upon completion of this exchange, no federal AUMs existed in the 49 Mt. Field. The White Pine Lumber Co. permit received an additional 340 AUMs for those private lands traded to the BLM in the High Rock Canyon area. The increase in federal AUMs resulting from the land exchange were not proportionately allocated among all the permittees. This was an exclusive increase of AUMs to Whit Pine Ranch. All of these traded lands within the Canyon are included in the livestock exclusion area (See Appendix #6).

D. Impacts From Past Actions to Bunyard and White Pine:

1. In failing to exercise ability to protect Bunyard Class I license in creating a common allotment and apportioning use within said allotment, Bureau of Land Management additionally may have failed to properly apportion grazing privilege when land based within said allotment was decreased by livestock exclusion.

2. Bureau of Land Management failed to notify B. G. Bunyard of pending administrative decisions and his administrative remedies in the adjudication of Home Camp Unit and Massacre Unit and in the increase of land base by acquisition and associated grazing privileges in the Massacre Allotment.

3. Bureau of Land Management improperly advised B. G. Bunyard of his administrative remedies and improperly presented the facts of an administrative decision in the decrease in land base in the Massacre Allotment.

E. Land Use Plan Amendment:

The 1983 Land Use Plan amendment was the result of the following advisory groups.

- a. In 1980, the Modoc/Washoe Stewardship Committee recommended to exclude all grazing in the canyon bottom and the east tablelands; cattle and sheep use would continue on the west side of the canyon.
- b. In 1981, the District Advisory Council recommended no cattle grazing in sub unit 1; continue sheep use on west side of the canyon.
- c. In 1982, the Technical Review Team recommended prescriptive grazing in the canyon bottom and east; cattle grazing on the west side will continue.

The 1983, Land Use Plan Amendment designated High Rock and Little High Rock Canyon proper as a special management area (ACEC). Along with this designation, the Plan Amendment also recommended combining Little High Rock and Massacre Mountain into one Allotment, allocating forage to livestock on the area west of High Rock, allocating forage in the canyon bottom and east of High Rock only to wildlife, wild horses and non consumptive uses, allowing the change in class of livestock from sheep to cattle and dropping the decision giving preference to Bunyard livestock operation. This is a change from the original land use plan which allowed only 500 AUMs sheep use in the area west of High Rock, canceled all cattle use in the area west of High Rock and gave preference to the Bunyard livestock operation.

The 1983, Land Use Plan Amendment was appealed to the Director of the BLM by B.G. Bunyard. The Director concluded, upon review of the appeal:

1. Appropriate planning procedures, laws, regulations, policies and resource considerations were followed.
2. Ample opportunity was provided for public comment and comments were considered.
3. Protest does not warrant change of the land use plan.

(See Appendix #7)

F. Vegetative Survey:

In 1981 and 1982 the BIM conducted a vegetative survey of those portions of the Massacre Mt, and Little High Rock Allotments which were not part of the exclusion area. The result of this survey showed that there 7,000 AUMs in the Massacre Mt. and 1,000 AUMs in Little High Rock that could be allocated for livestock use (See Appendix #8).

G. Current Grazing Decisions:

1. A Final Grazing Decision, issued in 1983, stated all adjustments for the Massacre Mt. Allotment would be proportionately based on the percentages of each permittees total AUMs within the Allotment. This decision was appealed and is the issue in the current Federal Court ruling (See Appendix #9).

2. A final grazing decision was issued in 1987 for the Little High Rock Allotment which reduced the active use to 1,000 AUMs, the difference of 545 AUMs was placed in suspension. This decision was not protested and has been fully implemented (See Appendix #9).

H. Current Permit Status:

B.G. Bunyard sold his winter use permit of 1,505 AUMs in the Blue Wing Unit of the Winemucca District. Therefore, the winter use area mentioned earlier in this report is no longer a part of this operation. Ken Earp permit in Little High Rock and Massacre Mt. was attached to base property at Pauite Meadows and has been sold to Dan Russell at a foreclosure sale. The permit is in the process of being transferred.

Massacre Mountain Allotment:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD (SHEEP)	2,420	485	2,254
(CATTLE)	<u>398</u>	<u>79</u>	<u>319</u>
	2,818	564	2,254
KEN EARP	<u>569</u>	<u>114</u>	<u>455</u>
Allotment Totals:	11,156	2,164	8,992

Little High Rock Allotment:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
KEN EARP	1,000	1,622	2,622

IV. Review and Analysis:

- A. Procedures: The sub-committee identified factors which should be considered in an equitable allocation of a reduction in grazing use. Factors were prioritized based on the specific situations for the allotment.

The group decided the following were of high priority: a.) historical use of the area, b.) long term stability of the livestock operation, c.) consideration of past adjustments perceived by any party to have been inequitable. It was also agreed the following were of lower priority and should be given little weight in the development of an equitable decision: a.) permittee effort and contribution, b.) permittee proposals for allocation of the reduction, c.) previous Decisions as equitable decisions.

- B. Identification of Issues: Using the guidelines, the group identified specific issues that were a point of concern on the allotment. Five main issues were identified as warranting an in depth review by the sub-committee.

1. The adjudication process resulted in shifting areas of use from Wall Canyon (West), Duck Lake and Long Valley Allotments to Massacre Mountain Allotment. It appeared the shift of use from the Wall Canyon/Duck Lake area to Massacre Mountain/Little High Rock area was a mistake and not fair to Bunyard's operation. The movement of AUMs from Long Valley area to Massacre Mountain may have had the same impact, but it is less clear. The identity of the permits for the High Rock and Long Valley areas have been lost.
2. The White Pine land exchange surfaced a question as to whether all permittees affected by the exchange were treated equally. The land exchange created a "window of opportunity" to reduce or exclude livestock from High Rock Canyon which led to negative effects on Bunyard and Earp's operations.
3. There are two distinct operations in the allotment, sheep and cattle. The basis for the High Rock livestock exclusion area was to protect important resource values from cattle impacts. Sheep use has not been identified as a problem in this area, except as it conflicts with a proposed bighorn sheep reintroduction. A reduction in sheep numbers would not help this situation.
4. The designation of the High Rock Canyon Area of Critical Environmental Concern (ACEC), and the exclusion of livestock from the ACEC involved a complex and lengthy decision making process spanning several years.

5. The Bunyard permit has had a very stable ownership with very few changes. The White Pine and Earp permits have changed hands several times. A proportionate share reduction does not recognize this factor.
- C. Guidelines and Alternatives: The group developed two guidelines to be considered for each alternative developed. Four alternatives were developed which address one or more of the issues identified above. Each guideline and alternative includes an analysis which consists of the rationale for each action and the impacts to each permittee. Each guideline and alternative indicates the action directive to which it applies.

Guideline - #1

Land use plan (LUP) amendments (1983), related to the formation of the High Rock Canyon ACEC and livestock exclusion: Is it clearly cancellation or suspension?, Did everyone understand the outcome? This guideline refers to directive #5 and issue #4. It is a review of the LUP and the current grazing regulations.

ANALYSIS:

The Land Use Plan Amendment (1983) established the forage allocation for each class of livestock. The regulations specify how the allocation will be implemented. A recent change in the regulations had a direct impact on this Decision. Regulations involving decrease of land acreage, before the most recent change, stated "... grazing permits shall be canceled in whole or in part". The current regulations states "... grazing permits may be canceled, suspended or modified ...".

As a result of the change in the regulation, the Area Manager now has the flexibility to make determinations on a case-by-case basis to maintain, cancel or suspend a grazing preference where there is a reduction in the acreage available for livestock grazing, in a manner he or she feels is most equitable for the situation.

The wide use of advisory committees, and the appeal of the land use plan amendment indicates the wide spread knowledge of the designation of the High Rock Canyon ACEC. Also wording in the appeal clearly shows that those affected by the ACEC designation understood what the results would be.

Guideline - #2

Allocation of AUMs based on past decisions that may not have been fair to all parties involved. This guideline applies to directive #1 and to issues #1, #2, #3. This is a review of the establishment of the grazing preference for the Massacre Mt. and Little High Rock Allotments.

ANALYSIS

The analysis of the past decisions indicates two identifiable problems resulted as follows:

1. The formation of the Massacre Mountain Allotment appeared to be unfavorable to the sheep operation since the sheep operation remained unchanged while additional cattle use was concentrated into the present day boundaries of the Massacre Mountain Allotment.
2. The formation of the Little High Rock Allotment did not consider the sheep operation. This is evident because to the present time sheep have made significant use in the area, however there is no recognized preference in the area and no trailing permit has ever been issued for crossing the allotment.

The subcommittee considered restoring AUMs to their pre - 1964 location of use. The group determined moving AUMs out of the Massacre Mountain area may create an even more unequitable situation to adjacent allotments. A review of the entire Massacre Adjudication Unit would have to be made before moving any AUMs outside of the adjudicated allotments. The AUMs White Pine received from the land exchange should be taken off the White Pine preference before any additional allocation of AUMs takes place. The 340 AUMs were allocated exclusively to White Pine Ranch. Therefore, it would not be proper to allocate the reduction of the 340 AUMs proportionately among all the users in the Allotment. The second problem can be redressed by combining the Little High Rock and Massacre Mountain Allotments into one allotment or by recognizing a sheep preference in the Little High Rock Allotment.

Alternative - #1

Allocation of AUMs to both Cattle and Sheep based on the historical use of the area. This alternative applies to directive #1 and relies on historical use patterns of each permit to determine the allocation of the reduction.

ANALYSIS:

In reviewing the historical use of the area, the use patterns or area of use of each permittee can be divided into 3 periods of use.

1. 1930s to mid 1940s: Cattle made use of the area identified on Map 1, with 750 cows plus 30 horses from 04/01 to 10/31, along with some winter use in High Rock Canyon from 11/01 to 03/31. Additionally, 4,200 sheep made use of the Massacre Lake, High Rock, and Rattlesnake Mountain areas from 04/01 to 06/30 and from 10/01 to 10/31. The areas were used in common by Iartirigoyen and Powers.

2. Mid 1940s to early 1960s: Cattle made use of two separate areas, High Rock, and Little High Rock as shown on Map 2 with approximately 1,050 cows from 04/01 to 10/31. They also made use of 49 Mountain and Long Valley area with about 775 cows from 04/01 to 10/15. Also, 3,000 sheep made use of the High Rock and Massacre Mountain area from 03/01 to 06/30, and from 10/01 to 12/15.
3. Early 1960s to present: The present allotment boundaries were established. The cattle operation changed hands several times and the use patterns also changed some. However, the basic area of use is illustrated on Map 3. The area of use by sheep has changed very little and remains basically the same as when first established in the 1930s.

In reviewing the historical use of the area, it shows the original Powers permit had significant use within the canyon and some use in the area to the east. The original Iartirigoyen permit was never shown to include the area which is now the livestock exclusion area. The allocation of AUMs based on the historical use of the area would allocate the AUM reduction to the Powers permit, which is now the White Pine Ranch, and Earp permits. It should be noted that while the east bench area was shown in the original Powers use area, there is a significant portion of the bench area that has received very little use by any of the permittees. The final allocation of AUMs based on this analysis is as follows:

PROPORTIONATE SHARE SUSPENSION TO WHITE PINE AND EARP PERMITS WITH NO SUSPENSION TO BUNYARD:

CURRENT STATUS OF GRAZING PERMITS:

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD	2,818	564	2,254
KEN EARP	<u>569</u>	<u>114</u>	<u>455</u>
	11,156	2,164	8,992

8,992 AUMS - 7,000 AUMS = 1,992 AUMS

TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

1,992 AUMS DIVIDED BY 6,738 TOTAL ACTIVE AUMS OF WHITE PINE AND EARP'S PERMIT = 29.56%

STATUS OF WHITE PINE AND EARP GRAZING PERMITS AT 29.56% PROPORTIONATE SHARE SUSPENSION WITH NO SUSPENSION TO BUNYARD.

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	3,343	4,426
BOB BUNYARD	2,818	564	2,254
KEN EARP	<u>569</u>	<u>249</u>	<u>320</u>
	11,156	4,156	7,000

CURRENT GRAZING SCHEDULE:

			<u>TOTAL</u>	<u>PREFERENCE</u>	
				<u>SUSP.</u>	<u>ACTIVE</u>
<u>BUNYARD:</u>					
58 C	04/16 TO 09/30	(CATTLE)	398	79	319
2,000 S	04/01 TO 06/30	(SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S	10/08 TO 11/15		2,818	564	2,254
1,000 S	11/16 TO 11/25				
2,000 S	11/26 TO 12/07				
<u>WHITE PINE:</u>					
967 C	04/01 TO 10/15		7,769	1,486	6,283
<u>KEN EARP:</u>					
70 C	04/01 TO 10/15		<u>569</u>	<u>114</u>	<u>455</u>
			11,156	2,164	8,992

GRAZING SCHEDULE POST SUSPENSION:

			<u>TOTAL</u>	<u>PREFERENCE</u>	
				<u>SUSP.</u>	<u>ACTIVE</u>
<u>BUNYARD:</u>					
58 C	04/16 TO 09/30	(CATTLE)	398	79	319
2,000 S	04/01 TO 06/30	(SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S	10/08 TO 11/15		2,818	564	2,254
1,000 S	11/16 TO 11/25				
2,000 S	11/26 TO 12/07				
<u>WHITE PINE:</u>					
681 C	04/01 TO 10/15		7,769	3,343	4,426
<u>KEN EARP:</u>					
49 C	04/01 TO 10/15		<u>569</u>	<u>249</u>	<u>320</u>
			11,156	4,156	7,000

Alternative - #2

Decrease in grazing preference for the Massacre Mountain Allotment will be made proportionately on a percentage of each permittees preference. This alternative applies to directive #4 and is an analysis of the Bureau's original decision.

ANALYSIS:

The regulations state that "cancellations or suspension will be equitably apportioned based upon the level of available forage ... or as agreed to ...". In light of the current regulations, this alternative was developed through the following approach.

1. Several attempts have been made to reach an agreement on the allocation of reduction in grazing use, both through the use of the Stewardship Committee and the TRT process. The attempts were not successful and BLM took on the task to determine what would be the most equitable apportionment of the loss of grazing AUM's.

2. In the development of this alternative the following issues were considered as stated in response to the protest.
 - a. Individual Areas of Use Within the Allotment: In allocating a reduction of AUM's, individual areas of use, informal use areas or historical grazing use patterns within larger adjudicated allotments can not stand on their own. They were not adjudicated areas of use, and the areas frequently changed as operators changed, range improvements were completed and as management was implemented. Historical use patterns are often the result of past management practices, and many times do not fit current management situations. Therefore, the use of such information does not provide a solid bases for the allocation of a reduction. However, it should be noted that use patterns between class of livestock are much more significant than use patterns between operators with the same class of stock.
 - b. Past Decisions: The impacts of past decisions were considered spanning a period from 1950 to 1965. At the time the decisions were issued the opportunity for the protest and appeal process was offered with no one filing a protest or appeal at that time. As a result the current situation for this allotment is now recognized, and with the time frame for filing appeals past, it would not be appropriate to make changes based on those decisions being unequitable at the time.
 - c. Other Issues: Several other issues were considered such as permittee protecting themselves through the sale of grazing permits, land exchanges etc. However, in review of this information there appears to be no basis in the law or regulations for making a determination, or allocation of the reduction.

As a result of this analysis, there were no extenuating circumstances that clearly indicated that any of the permittee should have a larger portion of the suspension. Therefore it was felt that a proportionate share was the most equitable way to allocate the suspension. The final allocation of AUMs based on this analysis is as follows:

PROPORTIONATE SHARE SUSPENSION:

CURRENT STATUS OF GRAZING PERMITS:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD	2,818	564	2,254
KEN EARP	569	114	455
	<u>11,156</u>	<u>2,164</u>	<u>8,992</u>

8,992 AUMS - 7,000 AUMS = 1,992 AUMS

TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

1,992 AUMS DIVIDED BY 8,992 TOTAL ACTIVE AUMS = 22.15%

STATUS OF GRAZING PERMITS AT 22.15% PROPORTIONATE SHARE SUSPENSION.

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	2,878	4,891
BOB BUNYARD	2,818	1,063	1,755
KEN EARP	<u>569</u>	<u>215</u>	<u>354</u>
	11,156	4,156	7,000

CURRENT GRAZING SCHEDULE:

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
BUNYARD:			
58 C 04/16 TO 09/30 (CATTLE)	398	79	319
2,000 S 04/01 TO 06/30 (SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S 10/08 TO 11/15	2,818	564	2,254
1,000 S 11/16 TO 11/25			
2,000 S 11/26 TO 12/07			
WHITE PINE:			
967 C 04/01 TO 10/15	7,769	1,486	6,283
KEN EARP:			
70 C 04/01 TO 10/15	<u>569</u>	<u>114</u>	<u>455</u>
	11,156	2,164	8,992

GRAZING SCHEDULE POST SUSPENSION:

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
BUNYARD:			
2,000 S 04/01 to 06/30 (SHEEP)	2,818	1,063	1,755
2,000 S 10/08 to 11/18			
WHITE PINE:			
752 C 04/01 to 10/15	7,769	2,878	4,891
KEN EARP:			
54 C 04/01 to 10/15	<u>569</u>	<u>215</u>	<u>354</u>
	11,156	4,156	7,000

Alternative - #3

Allocation of AUMs (Cattle and Sheep) will be based on the 1982 vegetation survey, resource values, and the White Pine Land Exchange. This alternative is consistent with current regulations and there is precedent for establishing stocking rate by class of livestock. This alternative applies to directive #2 and relies on the current vegetative survey and the grazing conflicts with other resource values as a bases for allocating the reduction. Guideline #2 has also been included in this alternative.

This analysis indicates the above allocation of AUs is a reasonable stocking rate by season. Future adjustments to numbers can be made as indicated by monitoring data. The allocation of AUMs, based on this analysis, is as follows:

340 AUMS SUSPENDED FROM WHITE PINE BECAUSE OF THE EXCLUSIVE 340 AUM INCREASE FROM THE LAND EXCHANGE:

TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

STATUS OF GRAZING PERMITS (CATTLE) AFTER 340 AUM SUSPENSION TO WHITE PINE:

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,826	5,943
BOB BUNYARD	398	79	319
KEN EARP	<u>569</u>	<u>114</u>	<u>455</u>
	8,736	2,019	6,717

1,992 AUMS - 340 AUMS FROM LAND EXCHANGE = 1,652 AUMS

1,652 AUMS DIVIDED BY 6,717 TOTAL ACTIVE AUMS = 24.59%

STATUS OF GRAZING PERMITS ONLY TO CATTLE AUMS AT 24.59% PROPORTIONATE SHARE SUSPENSION.

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	3,287	4,482
BOB BUNYARD	398	158	240
KEN EARP	<u>569</u>	<u>226</u>	<u>343</u>
	8,736	3,671	5,065

6,717 AUMS - 5,065 AUMS = 1,652 AUMS SUSPENSION.

BOB BUNYARDS SHEEP PERMIT WILL NOT BE AFFECTED:

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
BOB BUNYARD	2,420	485	1,935

CURRENT GRAZING SCHEDULE:

		<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:				
58 C	04/16 TO 09/30 (CATTLE)	398	79	319
2,000 S	04/01 TO 06/30 (SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S	10/08 TO 11/15	2,818	564	2,254
1,000 S	11/16 TO 11/25			
2,000 S	11/26 TO 12/07			
WHITE PINE:				
967 C	04/01 TO 10/15	7,769	1,486	6,283
KEN EARP:				
70 C	04/01 TO 10/15	<u>569</u>	<u>114</u>	<u>455</u>
		11,156	2,164	8,992

ANALYSIS:

This alternative is based on the recognition that there is a difference in the way sheep and cattle use the range, and that each class of livestock has different requirements and foraging habits. The allocation of AUMs will be based on grazing habits by livestock class, range site characteristics, and the availability of water and other range improvements. There is not a scientific method or a set procedure for making this allocation. Information can be taken from a number of sources. Professional judgement will be used to make the final allocation. In 1975, after the land exchange in High Rock Canyon was completed between White Pine Ranch and BLM, the White Pine grazing permit was increased by 340 AUMs. Other permittees in the allotment did not receive any additional AUMs.

In making the allocation between sheep and cattle the following steps were taken:

1. White Pine's cattle permit was reduced by 340 AUMs exclusive of other preference reductions because of the exclusive 340 AUM increase following the land exchange.
2. Total forage available: Total AUMs available for use by either sheep or cattle was calculated from the 1982 range survey by range site. This survey followed an approved BLM inventory method with site specific results that can be reproduced. The results of this survey indicated there are 7,000 AUMs of forage available for livestock use.
3. The number of sheep and cattle that can graze the allotment was determined by including factors of space requirements, forage quality, water availability and season-of-use. This information was derived from records illustrating historical use of the area, along with consensus by current permittees and BLM staff personnel on estimated carrying capacity. The result of this estimate is based on the professional judgement of several people. A reasonable maximum number of each kind of animal to graze this allotment is 800 cattle and 2,000 sheep.
4. The total AUMs available was allocated between sheep and cattle using the information from steps 1,2 and 3. Analysis of data and information indicated the allocation of AUs (Animal Units) should be as follows:

800 Cattle on Spring Range
2,000 Sheep on Spring Range
800 Cattle on Summer/Fall Range
2,000 Sheep on Summer/Fall Range
5. The allocation of AUs is supported by the professional judgement of BLM staff and livestock permittees, allotment evaluation reports, actual use reports, and utilization reports, and information on historical summer use.

ANALYSIS:

This alternative is based on the recognition that there is a difference in the way sheep and cattle use the range, and that each class of livestock has different requirements and foraging habits. The allocation of AUMs will be based on grazing habits by livestock class, range site characteristics, and the availability of water and other range improvements. There is not a scientific method or a set procedure for making this allocation. Information can be taken from a number of sources. Professional judgement will be used to make the final allocation. In 1975, after the land exchange in High Rock Canyon was completed between White Pine Ranch and BLM, the White Pine grazing permit was increased by 340 AUMs. Other permittees in the allotment did not receive any additional AUMs.

In making the allocation between sheep and cattle the following steps were taken:

1. White Pine's cattle permit was reduced by 340 AUMs exclusive of other preference reductions because of the exclusive 340 AUM increase following the land exchange.
2. Total forage available: Total AUMs available for use by either sheep or cattle was calculated from the 1982 range survey by range site. This survey followed an approved BLM inventory method with site specific results that can be reproduced. The results of this survey indicated there are 7,000 AUMs of forage available for livestock use.
3. The number of sheep and cattle that can graze the allotment was determined by including factors of space requirements, forage quality, water availability and season-of-use. This information was derived from records illustrating historical use of the area, along with consensus by current permittees and BLM staff personnel on estimated carrying capacity. The result of this estimate is based on the professional judgement of several people. A reasonable maximum number of each kind of animal to graze this allotment is 800 cattle and 2,000 sheep.
4. The total AUMs available was allocated between sheep and cattle using the information from steps 1,2 and 3. Analysis of data and information indicated the allocation of AUs (Animal Units) should be as follows:

800 Cattle on Spring Range
2,000 Sheep on Spring Range
800 Cattle on Summer/Fall Range
2,000 Sheep on Summer/Fall Range
5. The allocation of AUs is supported by the professional judgement of BLM staff and livestock permittees, allotment evaluation reports, actual use reports, and utilization reports, and information on historical summer use.

GRAZING SCHEDULE POST SUSPENSION:

		<u>TOTAL</u>	<u>PREFERENCE</u>	
			<u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:				
44 C	04/16 to 09/30 (CATTLE)	398	158	240
2,000 S	04/01 to 06/30 (SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S	10/08 to 11/15	2,818	643	2,175
1,000 S	11/16 to 11/25			
2,000 S	11/26 to 12/07			
WHITE PINE:				
690 C	04/01 to 10/15	7,769	3,287	4,482
KEN EARP:				
53 C	04/01 to 10/15	<u>569</u>	<u>226</u>	<u>343</u>
		11,156	4,156	7,000

Alternative - #4

Allocation of AUMs based on the long term stability of the grazing permits. This alternative applies to directive #1 and relies on the long term stability of the livestock operators as the main bases for allocating the suspension.

ANALYSIS:

The Powers permit has changed hands five times since Harold Powers sold it in 1962.

The Woodruff permit has changed hands five times since Harold Powers sold it in 1962. Portions of the Woodruff and Powers permit are about to be transferred once again.

The Lartirigoyen permit has never left the Lartirigoyen family. Mary Bunyard is the daughter of Martin Lartirigoyen.

Along with the several transfers that have taken place with the permits, both have had frequent periods of significant non-use. On the other hand the Lartirigoyen or Bunyard permit has been a very stable operation with very little changes from year to year.

At the present time both White Pine and Earp permits have been in non-use for the last three years. The Bunyard sheep permit has been leased for the last two years and has a continual record of use.

One intent of the Taylor Grazing Act is to add stability to the western livestock industry. Therefore, it is felt that an equitable allocation of AUMs should consider the stability of all operators and show some preference to the stable, long-term operations.

Since both White Pine and Earp permits have been in non-use and no actual adjustment in livestock numbers is needed to adjust to the new stocking rate, the entire reduction would be proportioned between White Pine and Earp permits.

This action would contribute to the stability of the livestock industry by avoiding any adjustments in actual livestock numbers presently using the allotment. This alternative is not based on current regulations and

there is no procedure for making such a decision. The final allocation of AUMs based on this analysis is as follows:

PROPORTIONATE SHARE SUSPENSION TO WHITE PINE AND EARP PERMITS WITH NO SUSPENSION TO BUNYARD:

CURRENT STATUS OF GRAZING PERMITS:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD	2,818	564	2,254
KEN EARP	<u>569</u>	<u>114</u>	<u>455</u>
	11,156	2,164	8,992

8,992 AUMS - 7,000 AUM'S = 1,992 AUMS
 TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

1,992 AUMS DIVIDED BY 6,738 TOTAL ACTIVE AUMS OF WHITE PINE AND EARP PERMIT = 29.56%

STATUS OF WHITE PINE AND EARP GRAZING PERMITS AT 29.56% PROPORTIONATE SHARE SUSPENSION WITH NO SUSPENSION TO BUNYARD.

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	3,343	4,426
BOB BUNYARD	2,818	564	2,254
KEN EARP	<u>569</u>	<u>249</u>	<u>320</u>
	11,156	4,156	7,000

CURRENT GRAZING SCHEDULE:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:			
58 C 04/16 TO 09/30 (CATTLE)	398	79	319
2,000 S 04/01 TO 06/30 (SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S 10/08 TO 11/15	2,818	564	2,254
1,000 S 11/16 TO 11/25			
2,000 S 11/26 TO 12/07			
WHITE PINE:			
967 C 04/01 TO 10/15	7,769	1,486	6,283
KEN EARP:			
70 C 04/01 TO 10/15	<u>569</u>	<u>114</u>	<u>455</u>
	11,156	2,164	8,992

GRAZING SCHEDULE POST SUSPENSION:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:			
58 C 04/16 to 09/30 (CATTLE)	398	79	319
2,000 S 04/01 to 06/30 (SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S 10/08 to 11/15	2,818	564	2,254
1,000 S 11/16 to 11/25			
2,000 S 11/26 to 12/07			

WHITE PINE:				
681 C	04/01 to 10/15	7,769	3,343	4,426
KEN EARP:				
49 C	04/01 to 10/15	<u>569</u>	<u>249</u>	<u>320</u>
		11,156	4,156	7,000

V. SUB-COMMITTEE RECOMMENDATION

The sub-committee, in reviewing the information and data found it difficult to understand and second-guess past actions. Thus, it was difficult to reach agreement on actions that will now be equitable to all three permittees in the Massacre Mountain Allotment. The subcommittee, by consensus, recommends the following:

1. All members agreed that B.G. Bunyard has historically, and up to the present, made a portion of his sheep grazing use in the Little High Rock Allotment. Therefore, the sub-committee recommends his sheep use in the Little High Rock Allotment be recognized, either by combining the two allotment into one or by licensing a portion of his sheep grazing preference in the Little High Rock Allotment.
2. The sub-committee members agreed the 340 AUM's White Pine Ranch received as a result of a land exchange in 1975 should be taken off White Pine's active preference before allocating the balance of the reduction to the other permittees.
3. The sub-committee agreed each class of livestock grazing within the Allotment has different impacts on the other resource values found within the allotment. All of the justifications given to support the livestock exclusion area were exclusively to eliminate impacts resulting from cattle grazing. The only impact identified with sheep grazing was the conflict with the introduction of bighorn sheep. This issue is separate from the implementation of livestock exclusion area and can only be addressed with the complete removal of domestic sheep grazing. Therefore, the sub-committee recommends the proposed reduction of AUM's resulting from the livestock exclusion area (ACEC) be allocated among the cattle permits only.
4. In review of the current regulations the sub-committee recommends the required reduction in grazing use be implemented by removing AUMs from the active preference of each permittee as suspended non-use rather than cancellation. The permittee retain an opportunity to reactivate some suspended AUM's in the future should additional forage become available thru improved forage production within the Massacre Mountain Allotment or elsewhere within the Resource Area.

In order to assist the Steering Committee, District Manager for the issuance of a Grazing Decision, a Proposed Draft Decision is attached. This grazing Decision was developed using rationale and adjustment criteria from each of the four alternatives that were considered. The sub-committee selected those items from each alternative they felt were most equitable to all parties involved. The major points of this decision includes a reduction of 340 AUMs to White Pine Ranch as a result of AUMs allocated following the High Rock land exchange, allocation of the balance of the reduction proportionately to cattle use only and the recognition of sheep use within the Little High Rock Allotment (See Appendix #10).

NOTICE OF
PROPOSED DECISION

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

DATE:02/08/90

Russell, Dan
c/o Thomas Van Horne
708 10th St. Suite 250
Sacramento, CA. 95815

Dear Mr. Russell:

On December 7, 1988, the Susanville BLM District Manager's Final Grazing Decision of April 14, 1983, was vacated by Judge Edward C. Reed, Federal District Court of Nevada, and was remanded back to the Susanville District (Case #CV-N-87-618-ECR Bunyard Vs. Donald Hodel). The Judge found the final decision, and the BLM District Manager's testimony clearly showed the BLM based its decision on a misinterpretation of 43 CFR 4110.4-2(a) rather than on a reasoned analysis of what constitutes an "equitable" apportionment. However, the court expressed no opinion as to whether proportionate share reduction in grazing privileges would be a valid solution in this matter under a proper interpretation of 43 CFR 4110.4-2(a).

The issue of "equitable" apportionment of the grazing reduction was presented to the Modoc Washoe Experimental Stewardship Steering Committee for its assistance in complying with the court's ruling. A sub-committee was appointed to identify and analyze alternatives to readjudicate the grazing privileges, and to recommend a grazing decision that would be equitable to all permittees involved.

This proposed decision documents the results of our consultation with the Modoc/Washoe Experimental Stewardship Program and its sub committee, Susanville District Grazing Advisory Board, Permittees, and the readjudication of the grazing privileges within the Massacre Mountain Allotment #1008. A copy of the Massacre Mountain Grazing Decision Sub-Committee Report is attached and by reference becomes a part of this decision.

The Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976 provide for livestock grazing use of the public lands. The grazing regulations for public lands give the District Manager the authority to classify the public lands for kinds of livestock, periods of use, and grazing capacity. In accordance with the Federal Regulations the authorized livestock grazing use shall not exceed the livestock grazing capacity, and shall be limited or excluded to the extent necessary to achieve resource management objectives established for the allotment.

The current active preference of 8,992 AUM's at 100 percent public land use on the Massacre Mountain Allotment #1008 is greater than the livestock grazing capacity of 7,000 AUM's. To bring livestock use into balance with the forage allocated to livestock grazing and to provide for the orderly and proper management of the federal range, my proposed decision, to be effective March 1, 1990, is:

I. In accordance with 43 CFR 4110.2-2(a), 4110.4-2(a), active preference and authorized grazing use of the Massacre Mountain Allotment is adjusted from 8,992 AUM's to 7,000 AUM's. The difference, 1,992 AUM's, shall be held in suspended preference. The allocation of this reduction in active use will be as follows:

1. Suspend White Pine Ranch cattle permit by 340 AUM's prior to any other permittees suspension because of the exclusive 340 AUM increase from the White Pine Land Exchange.
2. Suspend 1,652 AUM's proportionately among the cattle permits.
3. B.G Bunyard sheep permit will not be affected.

STATUS OF WHITE PINE RANCH GRAZING PERMIT AFTER 340 AUM's SUSPENSION (LAND EXCHANGE):

	<u>Total</u>	Preference <u>Susp.</u>	<u>Active</u>
WHITE PINE RANCH	7,769	1,826	5,943

STATUS OF GRAZING PERMITS AT 24.59% PROPORTIONATE SHARE SUSPENSION TO CATTLE AUM's:

	<u>Total</u>	Preference <u>Susp.</u>	<u>Active</u>
WHITE PINE RANCH	7,769	3,287	4,482
BOB BUNYARD (SHEEP)	2,420	485	1,935
(CATTLE)	<u>398</u>	<u>158</u>	<u>240</u>
	2,818	643	2,175
DAN RUSSELL	<u>569</u>	<u>226</u>	<u>343</u>
ALLOTMENT TOTALS:	11,156	4,156	7,000

II. In accordance with 43 CFR 4110.2-4 the areas currently designated as the Massacre Mountain Allotment (#1008) and the Little High Rock Allotment (#1018) will be combined by excluding the boundary line common to both Allotments. This new area will be managed as a single administrative unit for the purpose of authorizing and managing livestock grazing use. This designated allotment will continue to be called the Massacre Mountain Allotment (#1008) and will include the grazing preference of the former Massacre Mountain Allotment, as specified in this Decision, plus the preference from the Little High Rock Allotment as specified in the 07/01/1987 Final Decision.

III. In accordance with 43 CFR 4130.6-1(a) the maximum season of use, as recommended in the Massacre Mt. / High Rock Technical Review Team Report and as specified in the Cowhead/Massacre MFP III, will be as follows:

Sheep use will be from 04/01 to 06/30 and 10/08 to 12/07
Cattle use will be from 04/15 to 09/30

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed 15 days from receipt of this notice within which to file such a protest with the District Manager, Susanville District, Bureau of Land Management, 705 Hall Street, Susanville, California 96130.

A protest may be made in person or in writing to the District Manager and shall specify the reasons why you think the proposed decision is in error.

If a protest is filed within the time allowed, the protest statement of reasons and other pertinent information will be considered and a final decision will be issued with a right of appeal (43 CFR 4160.3(b) and 4160.4).

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision. Should this notice become the final decision and if you wish to appeal the decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.4, you are allowed 30 days from receipt of this notice within which to file such appeal with the District Manager, Susanville District, at the above address. The appeal shall state clearly and concisely why you think the decision is in error.

Sincerely yours,

Herrick E. Hanks
Susanville District Manager

6B

DRAFT

NOTICE OF PROPOSED DECISION

CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED

DATE: 02/08/90

B.G. Bunyard
P.O. Box 184
Cedarville, CA. 96104

Dear Mr. Bunyard:

On December 7, 1988, the Susanville BLM District Manager's Final Grazing Decision of April 14, 1983, was vacated by Judge Edward C. Reed, Federal District Court of Nevada, and was remanded back to the Susanville District (Case #CV-N-87-618-ECR Bunyard Vs. Donald Hodel). The Judge found the final decision, and the BLM District Manager's testimony clearly shows that the BLM based its decision on a misinterpretation of 43 CFR 4110.4-2(a) rather than on a reasoned analysis of what constitutes an "equitable" apportionment. However, the court expressed no opinion as to whether proportionate share reduction in grazing privileges would be a valid solution in this matter under a proper interpretation of 43 CFR 4110.4-2(a).

The issue of "equitable" apportionment of the reduction was brought before the Modoc Washoe Experimental Stewardship Steering Committee to request their assistance in complying with the court's ruling. A sub committee was appointed to identify and analyze alternatives to readjudicate the grazing privileges, and to recommend a grazing decision that would be equitable to all permittees involved.

This proposed decision documents the results of our consultation with the Modoc/Washoe Experimental Stewardship Program and its sub committee, Susanville District Grazing Advisory Board, Permittees, and the readjudication of the grazing privileges within the Massacre Mountain Allotment #1008.

The Taylor Grazing Act of 1934 and the Federal Land Policy and Management Act of 1976 provide for livestock grazing use of the public lands. The grazing regulations for public lands give the District Manager the authority to classify the public lands for kinds of livestock, periods of use, and grazing capacity. In accordance with 43 CFR 4120.2-1(a), the authorized livestock grazing use shall not exceed the livestock grazing capacity, and shall be limited or excluded to the extent necessary to achieve resource management objectives established for the allotment.

The current active preference of 8,992 AUM's at 100 percent public land use on the Massacre Mountain Allotment #1008 is greater than the livestock grazing capacity of 7,000 AUM's. To bring livestock use into balance with the forage allocated to livestock grazing, my proposed decision, to be effective February __, 1990, is: In accordance with 43 CFR 4110.2-2(a), 4110.4-2(a), active preference and authorized grazing use of the Massacre Mountain

Allotment is adjusted from 8,992 AUM's to 7,000 AUM's. The difference, 1,992 AUM's, shall be held in suspended preference.

1. Suspend White Pine Ranch cattle permit by 340 AUM's prior to any other permittees suspension because of the exclusive 340 AUM increase from the White Pine Land Exchange.
2. Suspend 1,652 AUM's proportionately among the cattle permits.
3. Bob Bunyard sheep permit will not be affected.

Current Status of Grazing Permits:

	<u>Total</u>	<u>Preference</u>	
		<u>Sup.</u>	<u>Active</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD (SHEEP)	2,420	485	1,935
(CATTLE)	<u>398</u>	<u>79</u>	<u>319</u>
	2,818	564	2,254
DAN RUSSELL	<u>569</u>	<u>114</u>	<u>455</u>
ALLOTMENT TOTALS:	11,156	2,164	8,992

STATUS OF WHITE PINE RANCH GRAZING PERMIT AFTER 340 AUM's SUSPENSION (LAND EXCHANGE):

	<u>Total</u>	<u>Preference</u>	
		<u>Sup.</u>	<u>Active</u>
WHITE PINE RANCH	7,769	1,826	5,943

STATUS OF GRAZING PERMITS AT 24.59% PROPORTIONATE SHARE SUSPENSION TO CATTLE AUM's:

	<u>Total</u>	<u>Preference</u>	
		<u>Sup.</u>	<u>Active</u>
WHITE PINE RANCH	7,769	3,287	4,482
BOB BUNYARD (SHEEP)	2,420	485	1,935
(CATTLE)	<u>398</u>	<u>158</u>	<u>240</u>
	2,818	643	2,175
DAN RUSSELL	<u>569</u>	<u>226</u>	<u>343</u>
ALLOTMENT TOTALS:	11,156	4,156	7,000

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed 15 days from receipt of this notice

DRAFT

within which to file such a protest with the District Manager, Susanville District, Bureau of Land Management, 705 Hall Street, Susanville, California 96130.

A protest may be made in person or in writing to the District Manager and shall specify the reasons why you think the proposed decision is in error.

If a protest is filed within the time allowed, the protest statement of reasons and other pertinent information will be considered and a final decision will be issued with a right of appeal (43 CFR 4160.3(b) and 4160.4).

In the absence of a protest within the time allowed, the above proposed decision shall constitute my final decision. Should this notice become the final decision and if you wish to appeal the decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4160.4, you are allowed 30 days from receipt of this notice within which to file such appeal with the District Manager, Susanville District, at the above address. The appeal shall state clearly and concisely why you think the decision is in error.

Sincerely yours,

Herrick E. Hanks
Susanville District Manager

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MASSACRE MOUNTAIN ALLOTMENT #1008
SUMMARY SHEET

02/08/90

1. CURRENT STATUS OF GRAZING PERMITS:

	<u>TOTAL</u>	<u>PREFERENCE</u>		<u>ACTIVE</u>	<u>% CHANGE IN CATTLE USE</u>	<u>% CHANGE IN TOTAL PERMIT</u>
		<u>SUSP.</u>	<u>ACTIVE</u>	<u>AUMS LOST</u>		
WHITE PINE RANCH	7,769	1,486	6,283	0	0%	0%
BOB BUNYARD	2,818	564	2,254	0	0%	0%
DAN RUSSELL	569	114	455	0	0%	0%
ALLOTMENT TOTALS:	11,156	2,164	8,992			

2. ORIGINAL DECISION 1983, PROPORTIONATE SHARE SUSPENSION:

	<u>TOTAL</u>	<u>PREFERENCE</u>		<u>ACTIVE</u>	<u>% CHANGE IN CATTLE USE</u>	<u>% CHANGE IN TOTAL PERMIT</u>
		<u>SUSP.</u>	<u>ACTIVE</u>	<u>AUMS LOST</u>		
WHITE PINE RANCH	7,769	2,878	4,891	1,392	0%	22%
BOB BUNYARD	2,818	1,063	1,755	499	0%	22%
DAN RUSSELL	569	215	354	101	0%	22%
ALLOTMENT TOTALS:	11,156	4,156	7,000			

3. PROPOSED DECISION 1990:

	<u>TOTAL</u>	<u>PREFERENCE</u>		<u>ACTIVE</u>	<u>% CHANGE IN CATTLE USE</u>	<u>% CHANGE IN TOTAL PERMIT</u>
		<u>SUSP.</u>	<u>ACTIVE</u>	<u>AUMS LOST</u>		
WHITE PINE RANCH	7,769	3,287	4,482	1,801	29%	29%
BOB BUNYARD	2,818	643	2,175	79	25%	4%
DAN RUSSELL	569	226	343	112	25%	25%
ALLOTMENT TOTALS:	11,156	4,156	7,000			

a. The major part of item No. 3 above are:

1. 340 AUMs suspension to White Pine Ranch as a result of the Land Exchange.
2. Allocation of the balance of the suspension to Cattle Permits only, the Sheep Permit AUMs will not be affected.

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AN ENVIRONMENTAL AGENDA FOR THE NATIONAL FORESTS IN CALIFORNIA

1990 begins the Decade of the Environment.

Over the next 10 years we must solve a growing list of global environmental concerns that include deforestation of tropical forests, extinction of wildlife, toxic waste, pollution of air, oceans, and rivers, global warming, and destruction of the ozone layer that protects our atmosphere.

These and other threats to our global environment can only be solved by worldwide cooperation between individuals, business, governments, and private groups.

Such cooperation is the objective of the international campaign on behalf of EARTH DAY 1990, to be celebrated April 22nd. EARTH DAY 1990 reminds each of us to "think globally and act locally" to meet the global environmental challenge.

The Forest Service supports the EARTH DAY 1990 call for worldwide cooperation and is committed to help solve the global environmental issues of the coming decade.

Success in meeting the environmental challenge of the 1990's will depend on finding a balance between the needs of people and the integrity of the environment.

As William Ruckelshaus, former Director of the Environmental Protection Agency, stated in the 1989 report of the World Commission on Environment and Development: "Many in the past have assumed that the goals of environmental protection and economic development are incompatible.... The WCED report proves those assumptions wrong.... Neither environmental protection nor economic development is sustainable without proper attention to both."

California is a good place to start. Over the past three decades, this State has led the Nation in efforts to make sustainable growth compatible with environmental quality. The challenge of the next decade will be no different.

--By the year 2000, California's population will increase by 4 million people. That's equivalent to more than 5 cities the size of San Francisco.

Announcement by Regional Forester Paul F. Barker, Pacific Southwest Region, Forest Service, U.S. Department of Agriculture, February 8, 1990.

--Nationally we face an increase of 25 million people, equivalent to 34 cities the size of San Francisco.

--And globally, population will increase by 880 million, mostly in economically underdeveloped parts of the world. That's 3.5 times the population of the United States, and is more than the population of the United States, Japan, and Europe combined.

In "thinking globally and acting locally" to meet the environmental challenge of the 1990's, we must find ways to deal with the enormous human demand for wood, water, energy, minerals, and other natural resources these population increases will bring.

ENVIRONMENTAL AGENDA FOR THE NATIONAL FORESTS IN CALIFORNIA

The Forest Service manages 20 million acres of National Forests in California. The National Forests make up one-fifth the land area and contain the most important wildlands and natural resources in the State.

Growing media and public interest in environmental issues, and the celebration of EARTH DAY 1990, make it particularly timely to describe the ENVIRONMENTAL AGENDA that will guide the management of National Forests in California for the next decade. It is also timely to explain some of the changes now being implemented in National Forest management that respond to local, national, and global environmental concerns.

The ENVIRONMENTAL AGENDA for the National Forests in California has three major objectives--PRESERVATION, BIODIVERSITY, and SUSTAINABLE DEVELOPMENT FOR PEOPLE.

PRESERVATION

Preservation will be the first area of emphasis in National Forest management in the coming decade.

Preservation refers to land that is managed primarily to preserve unique ecosystems, species of fish, wildlife, and plants, and wild and scenic characteristics for the indefinite future.

Nearly 6 million acres or 30 percent of the land area of National Forests in California will be managed for these purposes. Areas managed for preservation include Wilderness, Wild and Scenic Rivers, Research Natural Areas, and areas of protected wildlife habitat.

Wilderness

Wilderness is open to recreation but its primary purpose is to preserve natural conditions.

--At present 3.9 million acres of the National Forest land in California is designated Wilderness. That is equivalent in acreage to FIVE Yosemite National Parks, and is more than TWICE the acreage of all National Parks in the State.

--As part of our ENVIRONMENTAL AGENDA we intend to recommend for designation additional areas of the National Forests that are clearly best suited for Wilderness. New Forest Plans will recommend at least 500,000 more acres for Wilderness, adding an area larger than Kings Canyon National Park to the existing National Forest Wilderness in California.

Wild & Scenic Rivers

Wild and Scenic Rivers include the whitewater rapids that provide some of the most exhilarating recreation on the National Forests.

--At present the National Forests have about 1,000 miles of the total 1,800 miles of federally designated Wild and Scenic Rivers in California. More than 320,000 acres of National Forest land bordering these designated rivers and streams is now managed to preserve the rivers' unique wild, scenic and recreational values.

--In the coming decade, additional segments of rivers and streams on the National Forests that are clearly best suited to Wild and Scenic River designation will be recommended for designation. From 400 to 500 miles will be recommended to Congress for addition to the Wild and Scenic River System, which will preserve wild, scenic, and recreational values on about 160,000 additional acres of National Forest land.

Research Natural Areas

Research Natural Areas have been called the "crown jewels" of California's wildlands. They represent the wide range of unique ecosystems throughout the State that serve as a natural gene pool for renewing the natural diversity of our wildlands.

--At present the National Forests have 17 Research Natural Areas set aside to protect unique ecosystems throughout California.

--In the coming decade, we will recommend for designation 80 more Research Natural Areas, and an additional 100 areas will be studied for designation. Designated Research Natural Areas will preserve as much as 220,000 acres of National Forest land in California from any kind of development.

Protected Wildlife Habitat

Many areas and sites on the National Forests in California are managed to protect populations of unique species of fish, wildlife, and plants.

--At present the National Forests in California protect more than 600,000 acres of habitat and special sites for the California Condor, the Spotted owl, and other species of plants, fish, and wildlife.

--In the coming decade we will add to these protected areas whenever necessary to insure viability of species.

BIODIVERSITY

Maintaining the BIODIVERSITY of ecosystems, including the diversity of plants, fish, and wildlife and the age diversity of habitats, is the second primary objective of the ENVIRONMENTAL AGENDA for the National Forests in California. We make this a separate commitment because PRESERVATION does not insure biodiversity. There are a number of reasons for this.

--Preserved areas eventually mature to even-aged, climax vegetation conditions and may no longer represent the full range in age and diversity of habitats.

--Natural disasters can destroy large areas of critical wildlife habitat.

--Increasing subdivisions, urban development, and freeways eliminate habitat and biodiversity on private lands, leaving mainly the National Forests as a refuge for species that survive the reduction in habitat and for which we can increase carrying capacity on the National Forests.

--And finally, although the land base of the National Forests is incomparably rich in natural diversity, careful planning and management is necessary to maintain a mix of habitats, vegetation age classes, and species diversity.

Maintaining biodiversity will be a basic objective which will be integrated into the overall management of the National Forests. To insure biodiversity we will develop landscape and ecosystem approaches to management within existing planning guidelines. This month I will select pilot Ranger Districts to begin testing new methods of landscape and ecosystem analysis and developing procedures for implementing them regionwide.

Wildlife

In 85 years of Forest Service management, no resident species of fish and wildlife in California whose survival depends on National Forest habitat has become extinct. We intend to maintain that record.

The critical issue in wildlife management is to maintain viable populations of plant and animal species and minimize fragmentation of habitat. In cooperation with California Department of Fish and Game and the U.S. Fish and Wildlife Service, we will restore viable populations of threatened and endangered species and maintain viable populations of all other species.

As a result of successful recovery programs, the populations of Peregrine Falcon, Bald Eagle, Golden Trout, and other species in California have increased dramatically.

The endangered Peregrine Falcon, which was headed for extinction in California in 1975, has now increased to a point where delisting may be considered as early as 1992. The Bald Eagle also has recovered dramatically, and eagles are returning to areas as far south as the San Bernardino National Forest, within a 2-hour drive from Los Angeles.

Old Growth Forests

The Forest Service estimates that 2 million acres or 10 percent of the National Forests in California can be classified as "old growth" forests. Half of this acreage is now preserved in areas such as Wilderness.

We are now inventorying the remaining acreage outside of Wilderness and will protect additional old growth stands. Insuring an adequate amount of high quality old growth will be a priority in our management in the coming decade.

SUSTAINABLE DEVELOPMENT FOR PEOPLE

The third commitment in the ENVIRONMENTAL AGENDA for the National Forests in California is to provide "our fair share" of the natural resources we consume at a SUSTAINABLE level of DEVELOPMENT compatible with PRESERVATION and BIODIVERSITY.

Unlike National Parks, the National Forests are managed in part to produce industrial minerals; hydroelectric power; oil and gas; timber; water for farms, towns, and cities; grazing forage for sheep and cattle; firewood; and other tangible benefits. Although less commonly associated with development, downhill ski areas, campgrounds, marinas, and other developed recreation sites are also a major part of National Forest resource development for people in California.

Timber

The United States currently imports about 30 percent of the solid wood, pulp and paper products it consumes each year. National Forest timber is harvested to insure that public lands provide a fair share of the wood and paper products that every American uses. Based on a recent public opinion poll in California, 70 percent of the public stated that they understand this need and support some level of timber harvest from the National Forests.

In the past decade there has been a major shift in public opinion in California toward more environmental protection. The ENVIRONMENTAL AGENDA for the National Forests in California reflects this shift.

--In the coming decade LESS THAN THREE TENTHS OF 1 PERCENT of the National Forest land in California would be harvested in any given year under new Forest Plans.

--Based on Forest Plans for the National Forests in California, the annual allowable timber sale volume likely will decrease. The decrease could be as much as 20 percent from historical sale levels.

--In response to public concerns about clearcutting, we will use alternative methods on about 70 percent of harvested areas. These alternative methods will require more funding that allows us to pay the added cost in order to reduce clearcutting.

Recreation Development

In the coming decade recreation will receive increased emphasis as reflected in the 28 percent increase in the President's budget for National Forest recreation.

--National Forests already provide a major portion of the wildland recreation available in California, including cross country and downhill skiing, campgrounds and picnic areas, hiking trails, scenic byways and scenic getaways, National Recreation Areas, such as at Mono Lake and Shasta Lake, and countless other recreation opportunities for people. Preserved areas, such as Wilderness, offer hiking and backpacking in an undeveloped setting.

--In the coming decade, the National Forests will provide additional sites as needed for downhill ski areas, campgrounds, picnic areas, marinas, and other developed recreation facilities. National Forest recreation opportunities provide tourist attractions to support new economic growth in many rural communities in the State.

CONCLUSION

The changes in management of the National Forests in California toward a balance of PRESERVATION, BIODIVERSITY, and SUSTAINABLE DEVELOPMENT FOR PEOPLE respond to the local, state, national, and global environmental challenge of the 1990's.

They also reflect New Perspectives in Forestry, an initiative by the Chief of the Forest Service that will lead to greater balance between resource development and environmental protection throughout the National Forest System.

The Forest Service is committed both to sustainable development of resources and to sustainable protection of the environment as its contribution to resolving the environmental challenge facing California in the coming decade.

I. EVENTS TO DATE

- A. INITIAL ID TEAM MTG. 4/26/89 - SCOPING
- B. BEGIN PUBLIC SCOPING PROCESS - JUNE 5, 1989
- C. SECOND ID TEAM MTG. - PREPARATION FOR OPEN HOUSES
- D. OPEN HOUSE IN CEDARVILLE - 9/13/89
- E. OPEN HOUSE IN ALTURAS - 9/14/89
- F. CLOSE OF PUBLIC COMMENT PERIOD - 9/30/89
- G. ID TEAM MTG. - DEVELOP ALTERNATIVES - 11/1-2/89
- H. ID TEAM MTG. - PRESENT AND DEFINE ALTERNATIVES - 11/15-16/89
- I. ID TEAM MTG. - EVALUATE ALTERNATIVES AND DISPLAY CONSEQUENCES
12/6-7/89

II. RESULTS OF SCOPING PROCESS (See attached Summary of Planning Issues)

III. ALTERNATIVES PROPOSED

- A. ALTERNATIVE 1 - No actions proposed other than those currently occurring.
- B. ALTERNATIVE 2 - Proposes to emphasize roadless character, and to increase developed and dispersed recreation when it does not detract from roadless character.
- C. ALTERNATIVE 3 - Proposes to emphasize biodiversity and viability of species, and to improve habitat for deer.
- D. ALTERNATIVE 4 - Proposes to precisely implement the Preferred Alternative of the Modoc NF Draft EIS for Land and Resource Management Plan.
- E. ALTERNATIVE 5 - Proposes to emphasize water and soil resource improvement.
- F. ALTERNATIVE 6 - Proposes to emphasize economic efficiency and balanced resource use.
- G. ALTERNATIVE 7 - Proposes to emphasize timber production on all suitable timber lands.

All ALTERNATIVES except 5 propose grazing as currently occurring with recommendations to the Modoc/Washoe ESP for implementing grazing/riparian prescriptions as proposed in the Preferred Alternative of the Forest LRMP DEIS. ALTERNATIVE 5 proposes some spatial limitations on grazing for soil and water quality improvement.

IV. COMPLETION OF EIS (See attached schedule)

Summary of Planning Issues
Mt. Vida Planning Area
Environmental Impact Statement
Warner Mtn. R.D. - Modoc N.F.

A. Introduction

This environmental planning process began on November 21, 1984, with the Letter of Intent to in-service resource specialists. In-service comments were received, and a Position Statement was prepared on May 22, 1987. Data gathering began, including implementation of a public involvement plan. Only 1 public response was received. By February of 1989, information from the environmental analysis revealed that proposals for timber harvest and road development had the potential to have significant environmental impacts. Most obvious was a proposal for road construction within an inventoried Rare II Roadless Area. To document the impacts, an Environmental Impact Statement (EIS), instead of an Environmental Assessment, was chosen. A Notice of Intent to Prepare an Environmental Impact Statement was published in the Federal Register on June 13, 1989.

B. Scoping

The effort to define the planning issues was accomplished in two distinct phases, in-service and public involvement.

1. In-service Scoping

In-service resource specialists began gathering field data in the summer of 1987, continuing through the summer of 1988. On April 26, 1989, the first Interdisciplinary Team meeting of all in-service, resource specialists was held. The purpose of this meeting was to describe the affected environment, and to list all planning issues (concerns) discovered during the data gathering process. That meeting is summarized in Appendix A. Appendix A was an attachment to a letter (1950), dated May 1, 1989, from the District Ranger to the Forest Supervisor.

2. Public Involvement Scoping

A Public Involvement Plan (Appendix B) was developed to attempt to notify all persons who might reasonably be thought to have an interest in or information about the Mt. Vida planning area. Implementation of that plan was as follows:

June 5, 1989 A Public Notice (Appendix C) was posted in 16 local area Post Offices and Forest Service offices. This Notice requested comments and offered information.

June 9, 1989 A scoping letter (Appendix D) was mailed to approximately 650 persons or organizations. This letter requested comments and offered information. The mailing list was compiled from:

- a) Modoc N.F. Land Management Plan mailing list;
- b) List of adjacent landowners;
- c) All other persons previously expressing interest in this area.

June 13, 1989 Notice of Intent (Appendix E) published in Federal Register.

June 15, 1989 Publication of press release (Appendix F), requesting comments and offering information. This release was published in the Modoc County Record, Herald and News, Mountain Echo, Intermountain News, Lake Co. Examiner and the Redding Searchlight.

July 11, 1989 Approximately 10 more scoping letters (Appendix D) were sent to identified mining claimants within the planning area.

August 22, 1989 Invitation to Open House mailed to approximately 180 persons who had responded to initial scoping letter (Appendix D) or were considered to be key contacts.

August 31, 1989 Publication of press release in Klamath Falls Herald and News, announcing Open House.

September 7, 1989 Publication of press release in Modoc County Record, announcing Open House.

September 13, 1989 Open house in Cedarville, resource specialists available with informational presentations.

September 14, 1989 Open House in Alturas, resource specialists available with informational presentations.

September 30, 1989 Comment period closed.

3. Public response to scoping process

The initial scoping process consisted of Public Notices (Appendix C), scoping letters (Appendix D), Notice of Intent in the Federal Register (Appendix E) and press releases (Appendix F). This effort produced the following results:

- 11 responses requesting to be kept informed, but did not offer comments or request information;
- 4 responses requesting to be kept informed, did not request information, but did offer comments;
- 113 responses requesting information packet (Appendix G), but not offering comments;
- 25 responses requesting information packet (Appendix G), and later offering comments; and
- 8 responses offering comments;

The Open Houses were a secondary scoping effort. This effort produced the following results:

- 7 persons attended Cedarville, and 2 of those later offered comments;
- 10 persons attended Alturas, and 3 of those later offered comments.

In all, the scoping process reached at least 650 persons. Approximately 166 persons responded in some way, with 38 comments received.

4. Comment Analysis

Each of the 38 commentor's letters were analyzed for specific comments. Each comment was given an identifying code which includes each of the following components:

- | | |
|-----------------------------|--|
| 1) Commentor I.D. No. | Unique identifier |
| 2) Respondent Type | Individual, Govt. Agency, Special Interest Group, etc. |
| 3) Geographic Information | Local, Regional, National |
| 4) Resource Area of Concern | Timber, Recreation, Water, etc. |
| 5) Opinion about practices | Agree, disagree, can't tell, suggests change |
| 6) Final disposition | catalogue, respond, outside scope |

This information was placed in a data table that can be sorted and combined. A total of 38 respondents offered 244 separate comments. Of those 38, 19 were from the local area of Modoc & Lassen counties in California, and Lake and Klamath counties in Oregon. Sixteen Regional respondents were from other locations in California, Oregon and Nevada. Three National respondents were from areas other than listed above.

A total of 20 respondents were individuals, 8 were government agencies, and the other 10 were from various academic or special interest groups. Appendix H shows all public comments sorted by resource area.

C. Public Issues, Management Concerns and Key Indicators

There was no significant difference between the results of the public scoping and the in-service scoping. Both processes identified the same Planning Issues. These Planning Issues with narrative and key indicators are listed below. Key Indicators will be the measuring units for determining how each proposed alternative responds to the issue.

1. ISSUE

HOW WILL THE PROPOSED LEVEL OF TIMBER HARVEST AFFECT LONG-TERM SUSTAINED-YIELD AND LOCAL COMMUNITY STABILITY?

Some respondents were concerned that the timber stands under consideration did not contain sufficient value to warrant harvest, and that other resource uses are of higher value. Some respondents felt the timber stands under consideration were not important to the stability of local communities. Other respondents felt harvest of these stands is important to stability of local communities. Other respondents felt that demand for wood products supports the harvest of these timber stands.

Key Indicators:

- a) MBF Harvested;
- b) Receipts to U.S. and Modoc County;
- c) Acres treated; and
- d) % of available acres harvested.

2. ISSUE

WHAT HARVESTING PRACTICES WILL BE USED?

Respondents were concerned about what silvicultural systems (even-aged vs. uneven-aged) would be used. Respondents were concerned about what silvicultural methods (sanitation, shelterwood, clearcutting, etc.) would be used, where they would be used, and whether they would be used on steep slopes. Respondents were concerned about what logging systems would be used, where they would be used, and whether they would be used on steep slopes.

Key Indicators:

- a) Acres harvested by silvicultural system (even-aged vs. unevenaged);
- b) Acres harvested by cutting method (sanitation, shelterwood, clearcutting, etc.);

- c) Volume (MBF) harvested by silvicultural system;
- d) Volume (MBF) harvested by cutting method;
- e) Acres harvested by logging system; and
- f) Volume (MBF) harvested by logging system.

3. ISSUE

WHAT POST-HARVEST CULTURAL PRACTICES WILL BE USED?

Some respondents felt that reforestation was an acceptable practice. Some respondents felt that the use of herbicides and pesticides for reforestation or other vegetation control was an unacceptable practice.

Key Indicators:

- a) Acres of post-harvest reforestation; and
- b) Acres of post-harvest site preparation;
- c) Acres of vegetation control;
- d) Acres of animal control; and
- e) Acres of herbicide or pesticide use.

4. ISSUE

HOW WILL SOIL AND WATER BE IMPACTED BY PROPOSED MANAGEMENT ACTIVITIES?

Some respondents were concerned that management proposals would negatively affect riparian areas, meadows and lakes. Some respondents were concerned that proposals could decrease soil productivity by increasing compaction. Some respondents were concerned that proposals for management on steep slopes, sensitive soils or unstable areas would cause increased erosion or soil movement.

Key Indicators:

- a) Equivalent Roaded Acres (Cumulative Watershed Impact analysis);
- b) Acres and % of Riparian areas (includes SMZs) impacted;
- c) Acres and % of Meadows impacted;
- d) Acres and % of Lakes impacted;
- e) % of soil compacted in harvested areas;
- f) Acres and % of sensitive soils proposed for harvest;
- g) Acres and % of unstable areas proposed for harvest;
- h) Acres and % of slopes over 40% proposed for harvest; and
- i) Miles of fish habitat affected (degraded vs. improved).

5. ISSUE

WHAT CHANGES WILL OCCUR IN RECREATION OPPORTUNITIES?

Some respondents favor increased development of recreational facilities, while others feel that increased development will cause unacceptable effects. Some respondents feel that more trails are needed in the area. Some respondents feel that more interpretive facilities are needed. There was a concern for the visual quality of the area. There was a concern for the no. of miles of road/trail available to Off-Road Vehicles, while others were concerned with the effects of ORVs. Some felt a need for more dispersed recreation sites, while others thought that some dispersed sites have an adverse visual effect.

Key Indicators:

- a) No. of interpretive services or facilities;
- b) Miles of trail;
- c) Recreation Visitor Days;
- d) Acres by Visual Quality Objective;
- e) Miles of ORV roads and trail available; and
- f) Average Daily Traffic (management activity traffic vs. recreation traffic), on County Road 2.
- g) Acres by Recreation Opportunity Spectrum class.

6. ISSUE

HOW WILL THE ROADLESS CHARACTER WITHIN THE PLANNING AREA BE AFFECTED?

Some respondents were concerned that the character of unroaded areas would be irreparably harmed by new roads. They felt that the primitive recreation opportunity would be lost. Others feel that the unroaded areas should be developed for commodity purposes.

Key Indicators:

- a) Acres and Miles of road construction within unroaded areas;
- b) Acres of timber harvest within unroaded areas;
- c) Miles of ORV road closure within RARE II Released Roadless areas; and
- d) Total miles of ORV roads within unroaded areas.

7. ISSUE

HOW WILL BIODIVERSITY AND VIABILITY OF WILDLIFE AND FISH SPECIES BE AFFECTED?

Some respondents were concerned for those species which are dependent on old-stands for habitat. There was concern for Threatened and Endangered species, Regional Forester's Sensitive species and Management Indicator species. Some were concerned about the availability of habitat for mule deer. Other respondents were concerned about fishery habitats. There was concern expressed for protection of Sensitive Plant species. Adequacy of snag habitat for snag dependent species was a concern.

Key Indicator:

- a) Seral stage distribution in %;
- b) Old stands in % of total forested lands;
- c) Acres or indicies of habitat for each selected Management Indicator species (includes fish);
- d) Cover to forage ratio for mule deer habitat;
- e) Acres and no. of habitats for Threatened, Endangered and Sensitive species;
- f) Snags per acre by size class; and
- g) Road density (miles per sq. mi.), including ORV roads and trails.

8. ISSUE

WHAT LEVEL OF SYSTEM ROAD DEVELOPMENT WILL BE CONSIDERED?

Some respondents were concerned that there are already too many roads, no more should be developed, and perhaps some should be closed. Some respondents felt that some roads should be improved and new roads should be developed.

Key Indicators:

- a) Transportation System Costs (\$);
- b) Miles of new construction;
- c) Total miles of road closed, including those temporarily left open for wood gathering;
- d) Acres and MBF accessed by new road construction; and
- e) Road density, excluding ORV roads and trails.

9. ISSUE

HOW WILL MINERAL EXPLORATION BE MANAGED?

Some respondents believe that mining exploration causes unacceptable effects, and should be prohibited or more tightly regulated. Others believe that mining exploration is a legitimate use of the National Forest.

Key Indicators:

- a) Acres with high or moderate mineral potential that are restricted by other resource management constraints.

The Affected Environment, Description of Alternatives and Environmental Consequences sections will focus on these ISSUES, and the Key Indicators will highlight how the Alternatives differ with respect to the ISSUES.

During the scoping process, some comments received were outside the scope of this planning effort. The following are those comments:

1. Dedicate the Mt. Vida area as wilderness;
2. Restock creeks every year, coordinate with Fish & Game;
3. Reduce the number of (deer) tags issued by 50% in Mt. Vida area, restrict hunt areas.
4. Construct a reservoir a Leary flat;(outside planning area)
5. Control numbers of cattle, avoid over-grazing;(function of ESP)
6. Consider wetlands in DEIS preparation;(none within planning area)
7. Purchase private lands;(DEIS can recommend but cannot ensure)

APPENDIX CONTENTS

- A. In-service scoping meeting summary
- B. Public Involvement Plan
- C. Public Notice
- D. Scoping letter
- E. Notice of Intent
- F. Press Release-Initial
- G. Information Packet
- H. Comment Analysis-sorted by resource

United States
Department of
Agriculture

Forest
Service

Modoc NF
Warner Mountain
Ranger District

Wallace Street
P. O. Box 220
Cedarville, CA 96104

Reply To: 1950 (2430)

Date: February 27, 1990

Subject: Mt. Vida EIS - Completion Schedule-Update #2

To: Forest Supervisor, Modoc N.F.

Work is continuing towards completion of the Mt. Vida EIS. We have not met the revised schedule, (letter of this reference, dated January 11, 1990). I am revising the work completion schedule as follows:

<u>DUE DATE</u>	<u>TYPE OF WORK</u>	<u>RESPONSIBLE PERSON(S)</u>
2/28/90	Chapters II (Alternatives), and Chapter III (Affected Environment) due to ID Team members for review of technical accuracy.	Geesey, Schultz
3/07/90	Chapter IV (Environmental Consequences) due to ID Team members for review of technical accuracy.	Geesey, Schultz
3/19/90	Comments on draft due back to Geesey/Schultz.	ID Team members
3/23/90	Draft EIS ready for District Ranger review.	Geesey, Schultz
4/06/90	Draft EIS ready for Forest Supervisor review.	Geesey, Schultz
5/04/90	Reviewed Draft EIS returned to WMRD.	Sharp
5/11/90	Draft EIS revision complete	Geesey, Schultz
5/11/90	Submit Draft EIS to EPA for publication in National Register and review period of 45 days.	Sharp

5/11/90 Mail copies of DEIS to Commentors, Geesey, Schultz,
and all required interested parties. Sharp

6/25/90 End of 45 day comment period

7/13/90 FEIS and Record of Decision FS, DR and all ID
Team members

If you have any questions regarding the scheduling or work required,
please contact Jim Walker, Doug Schultz or myself.

KAREN SHIMAMOTO
District Ranger

Massacre Mountain Grazing Decision
Sub-Committee Report

02/08/90

- I. Introduction

- II. Committee Members

- III. Sub Committee Task

- IV. Executive Summary of Alternatives

- V. Finding of Fact and Documentation

- VI. Review and Analysis
 - A. Procedures
 - B. Identification of Issues
 - C. Development of Action Directives

- V. Sub-Committee Recommendation
 - A. Recommendation

- VI. Appendix

Massacre Mountain Grazing Decision
Sub-Committee Report

02/09/90

I. INTRODUCTION:

The Susanville BLM District Manager's Final Grazing Decision of 04/15/83 was remanded to the District by Nevada District Court Judge Edward C. Reed (Case # CVN-87-618-ECR-Bunyard Vs. Donald Hodel, See Appendix #1). Judge Reed's ruling stated proportionate share reduction may be equitable but is not an automatic approach the BLM can rely on. The terms "equitably apportioned" in the grazing regulations means that the circumstances in each case should be considered on their individual merit and alternatives of allocating a reduction should be analyzed. Equitable is defined in Black's legal dictionary as being "fair", the issue of equitable reduction was brought before the M/W ESP Steering Committee with a request for their assistance in complying with the Court's ruling. The M/W ESP has been involved in planning and implementation of resource management in the Surprise Resource Area since 1980. The Committee participated in developing the Final Grazing Decision of 04/15/83. A subcommittee was appointed to draft a recommended management decision responsive to the Court's ruling.

II. SUB-COMMITTEE MEMBERS:

John Laxague
John Weber
John Lowrie
Rick Delmas
Jean Schadler
Richard Westman
Alan Uchida

III. SUB-COMMITTEE TASK:

The task of the sub-committee was to identify and analyze alternatives for allocating a grazing reduction in the Massacre Mt. Allotment and to recommend a grazing decision that would be equitable to all permittee.

IV. DEVELOPMENT OF ACTION DIRECTIVES:

The sub-committee met four times (02/22/89, 03/31/89, 08/11/89, 02/08/90). The group made an extensive review of current grazing use on the Allotment, past decisions, historical use of the area by class of stock, the court decision, past and current regulations, the allotment history, the management framework plan, the current stocking rate and the management constraints (See Appendix #2 for Minutes and Notes of Sub-Committee).

The sub-committee then developed five action directives that would be used to guide them in the development and analysis of alternative to allocate the proposed suspension in an equitable manner.

Directive #1: Examine ways to lessen the impact of the proposed suspension to the Bunyard operation. One alternative approach could result in no suspension to the Bunyard permit. Suspension of 545 AUMs of the White Pine permit and transfer of the balance as suspended non-use to Long Valley Allotment. Suspend the entire Earp permit if the option exists as a result of the foreclosure sale of Piante Meadows.

Directive #2: Look at the allocation of AUMs between cattle and sheep based on current vegetative survey and resource values.

Directive #3: Review 1981 Draft MFP decision to determine if it was equitable.

Directive #4: Consider the proportionate share suspension (Bureau's original 04/15/83 decision).

Directive #5: Review language of existing land use amendments related to formation of ACEC and livestock exclusion to determine if there was a clear decision requiring cancellation or suspension.

V. FINDING OF FACT AND DOCUMENTATION:

A. Permit Establishment:

(See Appendix #3 for Documentation of Each Permit Establishment and History Summary).

1. Martin Iartirigoyen was issued a Class I permit for 2,400 sheep from 7/1 to 9/30 for 360 aums in California District 2 (Honey Lake, later Susanville) and a Class I permit for 4,200 sheep from 4/1 to 6/30 and 10/1 to 3/31 for 5,960 aums in Nevada District 2 (Pyramid Lake, and later divided between Susanville and Winemucca). The total license of 6,320 aums was affirmed by Rangeline Agreements of 1936 and the 1950's adjudication. Area of use by season is as follows:

<u>AUMs</u>	<u>Season</u>	<u>Area of Use</u>
364	7/1 to 9/30	- Individual allotment in California
2,818	4/1 to 6/30	- Massacre Lakes, Grassy and High Rock Area
1,505	10/1 to 3/31	- Above area until snow and then move to Lava Beds/ Dry Mt. Area.

This use was dependent by use on parallel rangelands (unfenced private lands within areas of use) and was affirmed by a dependent property survey certified by Don Dimock in 1949-50. In 1963 B. G. Bunyard (Iartirigoyen Permit) made application to run 50 head of cattle and 2,500 head of sheep. He has run sheep and cattle from that time.

2. Harold J. Powers was issued a Class I license in the Surprise Valley Unit (Nevada-2, Pyramid Lake) for 4,127 AUMs, 700 cattle from 4/1 to 10/31 and 250 AUMs as a winter permit for 30 cattle and 20 horses from 11/1 to 3/31 use all to be in the High Rock Area. His use increased when he purchased the Espil Lands in 1943, by 3,871 AUMs for use on 49 Mountain

and Long Valley. He acquired an additional 1,487 AUMs for use in Little High Rock when he purchased the Woodruff lands in 1961. He acquired 1,135 AUMs of use in the Wall Canyon Area when he purchased the Scott Ranch in 1961. It is the combination of these permits which are the base for the AUMs which are currently controlled by White Pine Ranch and Ken Earp in the Massacre Mt. and Little High Rock Allotments. He acquired 2,579 AUMs in the Home Camp Area when he purchase the John Bone Lands (formerly Grace Street). These AUMs were subsequently sold in 1974 and are currently in use in the Home Camp Allotment. The Powers permits were based on Class I priorities in Home Camp/Wall Canyon, High Rock/Donnelly Mt. and 49 Mountain/Long Valley. These base property qualifications were affirmed by Don Dimock.

Summary of Powers Permits:

<u>Date</u>	<u>Priority property</u>	<u>AUMs</u>	<u>Season</u>	<u>Area of Use</u>
—	Powers Lands	4,127	4/1-10/31	High Rock Area
1943	Espil Lands			
	Inside 49 field	995	4/1-10/15	49 field
	Outside 49 field	3,871	4/1-10/15	49 / Long Valley
1951	Woodruff Lands	1,487	4/1-10/31	Little High Rock
1961	Scott Ranch	1,135	4/1-10/31	Wall Canyon Area

3. The Massacre Mountain and High Rock Area was established as a common use area with two permittees licensed to graze livestock, Martin Lartirigoyen and Harold J. Powers. There had always been two permittees in the Massacre Mountain Allotment until 1976 when Bill Spoo purchased the Little High Rock Allotment and 569 AUMs in the Massacre Mountain Allotment from White Pine Ranch. At this time there were three permits within the Massacre Mt. Allotment, B. G. Bunyard, White Pine Ranch and Bill Spoo. Currently the three permits in this Allotment are the result of this sale.

B. Permits Adjustments:

1. The first major adjustments which effected all grazing permits within the Resource Area was the 1950 adjudication. A comprehensive historical search and investigation of grazing permits was completed. Don Dimock of BLM conducted the search and completed the permit evaluations in 1950. The Bureau prepared adjudication decisions for every permit in the Surprise Resource Area today. None of the decisions were appealed, based on BLM records and Advisory Board minutes. All of the decisions were reviewed and approved by the grazing board. These decisions changed all ten year permits issued prior to 1950. In 1954 ten year permits were issued to Lartirigoyen and Powers to reflect their federal range use, both accepted and signed their ten year permits. Following this adjudication process, permittee within the Massacre Unit had a range meeting on 12/11/52 and agreed on turnout areas for each user in the area. The attached map shows the turnout areas for the Powers and Lartirigoyen permits (See Appendix #4).

2. The adjudication of the mid-60s is the only other action which has changed these permits since 1950. A 20 percent reduction was issued to all Massacre Unit permittees in 1965 during the Massacre Unit adjudication. This resulted in Bunyard (Lartirigoyen) being reduced to 2,254 AUMs and Betford U (Powers) being reduced to 6,398 AUMs. Neither permittee appealed their adjudication decision. During this process both the Massacre and Home Camp Units were divided into allotments, either as individual or common use areas (See Appendix #5 for Adjudication Results and Allotment Establishment Documentation).

a. The Massacre Mt. Allotment was established as a common allotment to run both sheep and cattle. The Massacre Unit turnout areas identified for Powers permit were moved to within the boundaries of the Massacre Mt. Allotment. No exclusive use areas for sheep or cattle were identified within the allotment boundaries.

The allotment was established by signed agreement of the permittees and there was no appeal. The subsequent reduction in grazing privileges for the Massacre Unit was applied in proportion to the total preference of each permittee in the unit. The adjudication decision did not indicate that Bunyard was agreeing to the relocation of Long Valley permits to the Massacre Mt. area.

b. The Little High Rock Allotment was established by signed agreement and was identified as an individual allotment (W. T. Grace/Powers permit) and would be used by cattle. The Bureau of Land Management did not recognize B. G. Bunyard's historical and licensed use in the area from which the Allotment was created, did not notify Bunyard of a change of grazing use area, thereby not allowing him the opportunity of protest and appeal.

c. The preference within the Little High Rock Allotment consisted of 1,487 AUM's (Woodruff permit) that was historically used in the area plus 1135 AUMs (Scott Ranch) that were transferred from the Wall Canyon area to the Little High Rock Allotment in 1963. From 1934 to 1963 use of the Scott Ranch permit was made in the Wall Canyon area. When this transfer was made, W. T. Grace owned the Woodruff, Scott Ranch, Espil and Powers permits. After the transfer of this permit, the Little High Rock Allotment was reduced by 41 percent as part of the Home Camp Unit adjudication. The reduction for the rest of the allotments within the Home Camp Unit was 30 percent. The AUMs attached to the Scott Ranch have been under controversy since 1938. The files show the priority was under continuous protest by other grazers of the Wall Canyon area until 1943. The record does not indicate approval of the Grazing Board for the relocation of the Scott Ranch permit from the Wall Canyon area to Little High Rock. The record does not indicate approval of the Grazing Board for retention of Class I classification.

3. The first sub-division of areas within the Surprise Resource Area occurred during the 1950 adjudication. The Surprise Area was divided into sixteen sub-areas, which were referred to as units. The area currently identified as the Massacre Mt. Allotment was located in the

Massacre Unit while the Little High Rock Allotment was located in the Home Camp Unit. The adjudication for the Surprise Resource Area in the early 60's was completed using these sixteen sub-areas. This adjudication established the carrying capacity of each unit and set-up allotments within each sub-unit. The Massacre Mt. Allotment was established by the adjudication of the Massacre Unit and the Little High Rock Allotment was established by the adjudication of the Home Camp Unit. Each unit was handled separately. During the early 70's the Bureau adopted a new land use planning process. Under this process, the sixteen sub-units were abandoned and the Resource Area was divided into four areas which were referred to as planning units. These became the Cowhead, Massacre, Home Camp and Tuledad Planning Units. The Massacre Mt. and Little High Rock Allotments were both located within the Massacre Planning Unit.

C. Land Exchange:

1. Two exchanges of public and private land have taken place in the Fortynine Mountain area. These exchanges have resulted in the Fortynine Mountain area becoming totally private land. This created some obvious advantages for the private land owner (Powers permit). The 1959 land exchange between Harold J. Powers and the BLM resulted in an exchange of approximately 3,443 acres of his private land east of Central Lake for approximately 1,984 acres of public land inside the Fortynine Mountain Field. The adjudication summary sheets show a loss of 485 federal licensed AUM's within the 49 Mountain Field that were associated with lands exchanged. No additional AUM's were licensed to the Powers permit for Powers lands acquired by the BLM. The 1975 land exchange between White Pine Lumber Co. and the BLM resulted in an exchange of approximately 4,921 acres of private land in High Rock Canyon, the base lands that established Power's Class I priority in the High Rock area, for approximately 5,790 acres of public land inside the 49 Mt. Field. Upon completion of this exchange, no federal AUMs existed in the 49 Mt. Field. The White Pine Lumber Co. permit received an additional 340 AUMs for those private lands traded to the BLM in the High Rock Canyon area. The increase in federal AUMs resulting from the land exchange were not proportionately allocated among all the permittees. This was an exclusive increase of AUMs to Whit Pine Ranch. All of these traded lands within the Canyon are included in the livestock exclusion area (See Appendix #6).

D. Impacts From Past Actions to Bunyard and White Pine:

1. In failing to exercise ability to protect Bunyard Class I license in creating a common allotment and apportioning use within said allotment, Bureau of Land Management additionally may have failed to properly apportion grazing privilege when land based within said allotment was decreased by livestock exclusion.

2. Bureau of Land Management failed to notify B. G. Bunyard of pending administrative decisions and his administrative remedies in the adjudication of Home Camp Unit and Massacre Unit and in the increase of land base by acquisition and associated grazing privileges in the Massacre Allotment.

3. Bureau of Land Management improperly advised B. G. Bunyard of his administrative remedies and improperly presented the facts of an administrative decision in the decrease in land base in the Massacre Allotment.

E. Land Use Plan Amendment:

The 1983 Land Use Plan amendment was the result of the following advisory groups.

- a. In 1980, the Modoc/Washoe Stewardship Committee recommended to exclude all grazing in the canyon bottom and the east tablelands; cattle and sheep use would continue on the west side of the canyon.
- b. In 1981, the District Advisory Council recommended no cattle grazing in sub unit 1; continue sheep use on west side of the canyon.
- c. In 1982, the Technical Review Team recommended prescriptive grazing in the canyon bottom and east; cattle grazing on the west side will continue.

The 1983, Land Use Plan Amendment designated High Rock and Little High Rock Canyon proper as a special management area (ACEC). Along with this designation, the Plan Amendment also recommended combining Little High Rock and Massacre Mountain into one Allotment, allocating forage to livestock on the area west of High Rock, allocating forage in the canyon bottom and east of High Rock only to wildlife, wild horses and non consumptive uses, allowing the change in class of livestock from sheep to cattle and dropping the decision giving preference to Bunyard livestock operation. This is a change from the original land use plan which allowed only 500 AUMs sheep use in the area west of High Rock, canceled all cattle use in the area west of High Rock and gave preference to the Bunyard livestock operation.

The 1983, Land Use Plan Amendment was appealed to the Director of the BLM by B.G. Bunyard. The Director concluded, upon review of the appeal:

1. Appropriate planning procedures, laws, regulations, policies and resource considerations were followed.
2. Ample opportunity was provided for public comment and comments were considered.
3. Protest does not warrant change of the land use plan.

(See Appendix #7)

F. Vegetative Survey:

In 1981 and 1982 the BIM conducted a vegetative survey of those portions of the Massacre Mt, and Little High Rock Allotments which were not part of the exclusion area. The result of this survey showed that there 7,000 AUMs in the Massacre Mt. and 1,000 AUMs in Little High Rock that could be allocated for livestock use (See Appendix #8).

G. Current Grazing Decisions:

1. A Final Grazing Decision, issued in 1983, stated all adjustments for the Massacre Mt. Allotment would be proportionately based on the percentages of each permittees total AUMs within the Allotment. This decision was appealed and is the issue in the current Federal Court ruling (See Appendix #9).

2. A final grazing decision was issued in 1987 for the Little High Rock Allotment which reduced the active use to 1,000 AUMs, the difference of 545 AUMs was placed in suspension. This decision was not protested and has been fully implemented (See Appendix #9).

H. Current Permit Status:

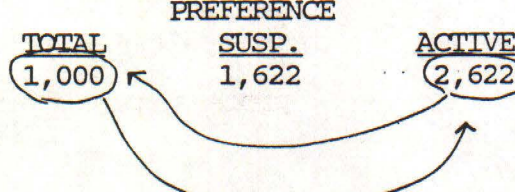
B.G. Bunyard sold his winter use permit of 1,505 AUMs in the Blue Wing Unit of the Winemucca District. Therefore, the winter use area mentioned earlier in this report is no longer a part of this operation. Ken Earp permit in Little High Rock and Massacre Mt. was attached to base property at Pauite Meadows and has been sold to Dan Russell at a foreclosure sale. The permit is in the process of being transferred.

Massacre Mountain Allotment:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD (SHEEP)	2,420	485	2,254
(CATTLE)	398	79	319
	2,818	564	2,254
KEN EARP	569	114	455
Allotment Totals:	11,156	2,164	8,992

Little High Rock Allotment:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
KEN EARP	1,000	1,622	2,622



IV. Review and Analysis:

- A. Procedures: The sub-committee identified factors which should be considered in an equitable allocation of a reduction in grazing use. Factors were prioritized based on the specific situations for the allotment.

The group decided the following were of high priority: a.) historical use of the area, b.) long term stability of the livestock operation, c.) consideration of past adjustments perceived by any party to have been inequitable. It was also agreed the following were of lower priority and should be given little weight in the development of an equitable decision: a.) permittee effort and contribution, b.) permittee proposals for allocation of the reduction, c.) previous Decisions as equitable decisions.

- B. Identification of Issues: Using the guidelines, the group identified specific issues that were a point of concern on the allotment. Five main issues were identified as warranting an in depth review by the sub-committee.

1. The adjudication process resulted in shifting areas of use from Wall Canyon (West), Duck Lake and Long Valley Allotments to Massacre Mountain Allotment. It appeared the shift of use from the Wall Canyon/Duck Lake area to Massacre Mountain/Little High Rock area was a mistake and not fair to Bunyard's operation. The movement of AUMs from Long Valley area to Massacre Mountain may have had the same impact, but it is less clear. The identity of the permits for the High Rock and Long Valley areas have been lost.
2. The White Pine land exchange surfaced a question as to whether all permittees affected by the exchange were treated equally. The land exchange created a "window of opportunity" to reduce or exclude livestock from High Rock Canyon which led to negative effects on Bunyard and Earp's operations.
3. There are two distinct operations in the allotment, sheep and cattle. The basis for the High Rock livestock exclusion area was to protect important resource values from cattle impacts. Sheep use has not been identified as a problem in this area, except as it conflicts with a proposed bighorn sheep reintroduction. A reduction in sheep numbers would not help this situation.
4. The designation of the High Rock Canyon Area of Critical Environmental Concern (ACEC), and the exclusion of livestock from the ACEC involved a complex and lengthy decision making process spanning several years.

5. The Bunyard permit has had a very stable ownership with very few changes. The White Pine and Earp permits have changed hands several times. A proportionate share reduction does not recognize this factor.
- C. Guidelines and Alternatives: The group developed two guidelines to be considered for each alternative developed. Four alternatives were developed which address one or more of the issues identified above. Each guideline and alternative includes an analysis which consists of the rationale for each action and the impacts to each permittee. Each guideline and alternative indicates the action directive to which it applies.

Guideline - #1

Land use plan (LUP) amendments (1983), related to the formation of the High Rock Canyon ACEC and livestock exclusion: Is it clearly cancellation or suspension?, Did everyone understand the outcome? This guideline refers to directive #5 and issue #4. It is a review of the LUP and the current grazing regulations.

ANALYSIS:

The Land Use Plan Amendment (1983) established the forage allocation for each class of livestock. The regulations specify how the allocation will be implemented. A recent change in the regulations had a direct impact on this Decision. Regulations involving decrease of land acreage, before the most recent change, stated "... grazing permits shall be canceled in whole or in part". The current regulations states "... grazing permits may be canceled, suspended or modified ...".

As a result of the change in the regulation, the Area Manager now has the flexibility to make determinations on a case-by-case basis to maintain, cancel or suspend a grazing preference where there is a reduction in the acreage available for livestock grazing, in a manner he or she feels is most equitable for the situation.

The wide use of advisory committees, and the appeal of the land use plan amendment indicates the wide spread knowledge of the designation of the High Rock Canyon ACEC. Also wording in the appeal clearly shows that those affected by the ACEC designation understood what the results would be.

Guideline - #2

Allocation of AUMs based on past decisions that may not have been fair to all parties involved. This guideline applies to directive #1 and to issues #1, #2, #3. This is a review of the establishment of the grazing preference for the Massacre Mt. and Little High Rock Allotments.

ANALYSIS

The analysis of the past decisions indicates two identifiable problems resulted as follows:

1. The formation of the Massacre Mountain Allotment appeared to be unfavorable to the sheep operation since the sheep operation remained unchanged while additional cattle use was concentrated into the present day boundaries of the Massacre Mountain Allotment.
2. The formation of the Little High Rock Allotment did not consider the sheep operation. This is evident because to the present time sheep have made significant use in the area, however there is no recognized preference in the area and no trailing permit has ever been issued for crossing the allotment.

The subcommittee considered restoring AUMs to their pre - 1964 location of use. The group determined moving AUMs out of the Massacre Mountain area may create an even more unequitable situation to adjacent allotments. A review of the entire Massacre Adjudication Unit would have to be made before moving any AUMs outside of the adjudicated allotments. The AUMs White Pine received from the land exchange should be taken off the White Pine preference before any additional allocation of AUMs takes place. The 340 AUMs were allocated exclusively to White Pine Ranch. Therefore, it would not be proper to allocate the reduction of the 340 AUMs proportionately among all the users in the Allotment. The second problem can be redressed by combining the Little High Rock and Massacre Mountain Allotments into one allotment or by recognizing a sheep preference in the Little High Rock Allotment.

Alternative - #1

Allocation of AUMs to both Cattle and Sheep based on the historical use of the area. This alternative applies to directive #1 and relies on historical use patterns of each permit to determine the allocation of the reduction.

ANALYSIS:

In reviewing the historical use of the area, the use patterns or area of use of each permittee can be divided into 3 periods of use.

1. 1930s to mid 1940s: Cattle made use of the area identified on Map 1, with 750 cows plus 30 horses from 04/01 to 10/31, along with some winter use in High Rock Canyon from 11/01 to 03/31. Additionally, 4,200 sheep made use of the Massacre Lake, High Rock, and Rattlesnake Mountain areas from 04/01 to 06/30 and from 10/01 to 10/31. The areas were used in common by Iartirigoyen and Powers.

2. Mid 1940s to early 1960s: Cattle made use of two separate areas, High Rock, and Little High Rock as shown on Map 2 with approximately 1,050 cows from 04/01 to 10/31. They also made use of 49 Mountain and Long Valley area with about 775 cows from 04/01 to 10/15. Also, 3,000 sheep made use of the High Rock and Massacre Mountain area from 03/01 to 06/30, and from 10/01 to 12/15.
3. Early 1960s to present: The present allotment boundaries were established. The cattle operation changed hands several times and the use patterns also changed some. However, the basic area of use is illustrated on Map 3. The area of use by sheep has changed very little and remains basically the same as when first established in the 1930s.

In reviewing the historical use of the area, it shows the original Powers permit had significant use within the canyon and some use in the area to the east. The original Iartirigoyen permit was never shown to include the area which is now the livestock exclusion area. The allocation of AUMs based on the historical use of the area would allocate the AUM reduction to the Powers permit, which is now the White Pine Ranch, and Earp permits. It should be noted that while the east bench area was shown in the original Powers use area, there is a significant portion of the bench area that has received very little use by any of the permittees. The final allocation of AUMs based on this analysis is as follows:

PROPORTIONATE SHARE SUSPENSION TO WHITE PINE AND EARP PERMITS WITH NO SUSPENSION TO BUNYARD:

CURRENT STATUS OF GRAZING PERMITS:

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD	2,818	564	2,254
KEN EARP	<u>569</u>	<u>114</u>	<u>455</u>
	11,156	2,164	8,992

8,992 AUMS - 7,000 AUMS = 1,992 AUMS

TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

1,992 AUMS DIVIDED BY 6,738 TOTAL ACTIVE AUMS OF WHITE PINE AND EARP'S PERMIT
= 29.56%

STATUS OF WHITE PINE AND EARP GRAZING PERMITS AT 29.56% PROPORTIONATE SHARE SUSPENSION WITH NO SUSPENSION TO BUNYARD.

	<u>TOTAL</u>	<u>PREFERENCE</u> <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	3,343	4,426
BOB BUNYARD	2,818	564	2,254
KEN EARP	<u>569</u>	<u>249</u>	<u>320</u>
	11,156	4,156	7,000

CURRENT GRAZING SCHEDULE:

				PREFERENCE		
				<u>TOTAL</u>	<u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:						
58 C	04/16 TO 09/30	(CATTLE)		398	79	319
2,000 S	04/01 TO 06/30	(SHEEP)		<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S	10/08 TO 11/15			2,818	564	2,254
1,000 S	11/16 TO 11/25					
2,000 S	11/26 TO 12/07					
WHITE PINE:						
967 C	04/01 TO 10/15			7,769	1,486	6,283
KEN EARP:						
70 C	04/01 TO 10/15			<u>569</u>	<u>114</u>	<u>455</u>
				11,156	2,164	8,992

GRAZING SCHEDULE POST SUSPENSION:

				PREFERENCE		
				<u>TOTAL</u>	<u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:						
58 C	04/16 TO 09/30	(CATTLE)		398	79	319
2,000 S	04/01 TO 06/30	(SHEEP)		<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S	10/08 TO 11/15			2,818	564	2,254
1,000 S	11/16 TO 11/25					
2,000 S	11/26 TO 12/07					
WHITE PINE:						
681 C	04/01 TO 10/15			7,769	3,343	4,426
KEN EARP:						
49 C	04/01 TO 10/15			<u>569</u>	<u>249</u>	<u>320</u>
				11,156	4,156	7,000

Alternative - #2

Decrease in grazing preference for the Massacre Mountain Allotment will be made proportionately on a percentage of each permittees preference. This alternative applies to directive #4 and is an analysis of the Bureau's original decision.

ANALYSIS:

The regulations state that "cancellations or suspension will be equitably apportioned based upon the level of available forage ... or as agreed to ...". In light of the current regulations, this alternative was developed through the following approach.

1. Several attempts have been made to reach an agreement on the allocation of reduction in grazing use, both through the use of the Stewardship Committee and the TRT process. The attempts were not successful and BLM took on the task to determine what would be the most equitable apportionment of the loss of grazing AUM's.

2. In the development of this alternative the following issues were considered as stated in response to the protest.
- a. Individual Areas of Use Within the Allotment: In allocating a reduction of AUM's, individual areas of use, informal use areas or historical grazing use patterns within larger adjudicated allotments can not stand on their own. They were not adjudicated areas of use, and the areas frequently changed as operators changed, range improvements were completed and as management was implemented. Historical use patterns are often the result of past management practices, and many times do not fit current management situations. Therefore, the use of such information does not provide a solid bases for the allocation of a reduction. However, it should be noted that use patterns between class of livestock are much more significant than use patterns between operators with the same class of stock.
 - b. Past Decisions: The impacts of past decisions were considered spanning a period from 1950 to 1965. At the time the decisions were issued the opportunity for the protest and appeal process was offered with no one filing a protest or appeal at that time. As a result the current situation for this allotment is now recognized, and with the time frame for filing appeals past, it would not be appropriate to make changes based on those decisions being unequitable at the time.
 - c. Other Issues: Several other issues were considered such as permittee protecting themselves through the sale of grazing permits, land exchanges etc. However, in review of this information there appears to be no basis in the law or regulations for making a determination, or allocation of the reduction.

As a result of this analysis, there were no extenuating circumstances that clearly indicated that any of the permittee should have a larger portion of the suspension. Therefore it was felt that a proportionate share was the most equitable way to allocate the suspension. The final allocation of AUMs based on this analysis is as follows:

PROPORTIONATE SHARE SUSPENSION:

CURRENT STATUS OF GRAZING PERMITS:

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD	2,818	564	2,254
KEN EARP	<u>569</u>	<u>114</u>	<u>455</u>
	11,156	2,164	8,992

8,992 AUMS - 7,000 AUMS = 1,992 AUMS

TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

1,992 AUMS DIVIDED BY 8,992 TOTAL ACTIVE AUMS = 22.15%

STATUS OF GRAZING PERMITS AT 22.15% PROPORTIONATE SHARE SUSPENSION.

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	2,878	4,891
BOB BUNYARD	2,818	1,063	1,755
KEN EARP	<u>569</u>	<u>215</u>	<u>354</u>
	11,156	4,156	7,000

CURRENT GRAZING SCHEDULE:

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:			
58 C 04/16 TO 09/30 (CATTLE)	398	79	319
2,000 S 04/01 TO 06/30 (SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S 10/08 TO 11/15	2,818	564	2,254
1,000 S 11/16 TO 11/25			
2,000 S 11/26 TO 12/07			
WHITE PINE:			
967 C 04/01 TO 10/15	7,769	1,486	6,283
KEN EARP:			
70 C 04/01 TO 10/15	<u>569</u>	<u>114</u>	<u>455</u>
	11,156	2,164	8,992

GRAZING SCHEDULE POST SUSPENSION:

	<u>TOTAL</u>	PREFERENCE <u>SUSP.</u>	<u>ACTIVE</u>
BUNYARD:			
2,000 S 04/01 to 06/30 (SHEEP)	2,818	1,063	1,755
2,000 S 10/08 to 11/18			
WHITE PINE:			
752 C 04/01 to 10/15	7,769	2,878	4,891
KEN EARP:			
54 C 04/01 to 10/15	<u>569</u>	<u>215</u>	<u>354</u>
	11,156	4,156	7,000

Alternative - #3

Allocation of AUMs (Cattle and Sheep) will be based on the 1982 vegetation survey, resource values, and the White Pine Land Exchange. This alternative is consistent with current regulations and there is precedent for establishing stocking rate by class of livestock. This alternative applies to directive #2 and relies on the current vegetative survey and the grazing conflicts with other resource values as a bases for allocating the reduction. Guideline #2 has also been included in this alternative.

ANALYSIS:

This alternative is based on the recognition that there is a difference in the way sheep and cattle use the range, and that each class of livestock has different requirements and foraging habits. The allocation of AUMs will be based on grazing habits by livestock class, range site characteristics, and the availability of water and other range improvements. There is not a scientific method or a set procedure for making this allocation. Information can be taken from a number of sources. Professional judgement will be used to make the final allocation. In 1975, after the land exchange in High Rock Canyon was completed between White Pine Ranch and BLM, the White Pine grazing permit was increased by 340 AUMs. Other permittees in the allotment did not receive any additional AUMs.

In making the allocation between sheep and cattle the following steps were taken:

1. White Pine's cattle permit was reduced by 340 AUMs exclusive of other preference reductions because of the exclusive 340 AUM increase following the land exchange.
2. Total forage available: Total AUMs available for use by either sheep or cattle was calculated from the 1982 range survey by range site. This survey followed an approved BLM inventory method with site specific results that can be reproduced. The results of this survey indicated there are 7,000 AUMs of forage available for livestock use.
3. The number of sheep and cattle that can graze the allotment was determined by including factors of space requirements, forage quality, water availability and season-of-use. This information was derived from records illustrating historical use of the area, along with consensus by current permittees and BLM staff personnel on estimated carrying capacity. The result of this estimate is based on the professional judgement of several people. A reasonable maximum number of each kind of animal to graze this allotment is 800 cattle and 2,000 sheep.
4. The total AUMs available was allocated between sheep and cattle using the information from steps 1,2 and 3. Analysis of data and information indicated the allocation of AUs (Animal Units) should be as follows:
 - 800 Cattle on Spring Range
 - 2,000 Sheep on Spring Range
 - 800 Cattle on Summer/Fall Range
 - 2,000 Sheep on Summer/Fall Range
5. The allocation of AUs is supported by the professional judgement of BLM staff and livestock permittees, allotment evaluation reports, actual use reports, and utilization reports, and information on historical summer use.

This analysis indicates the above allocation of AUs is a reasonable stocking rate by season. Future adjustments to numbers can be made as indicated by monitoring data. The allocation of AUMs, based on this analysis, is as follows:

340 AUMS SUSPENDED FROM WHITE PINE BECAUSE OF THE EXCLUSIVE 340 AUM INCREASE FROM THE LAND EXCHANGE:

TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

STATUS OF GRAZING PERMITS (CATTLE) AFTER 340 AUM SUSPENSION TO WHITE PINE:

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,826	5,943
BOB BUNYARD	398	79	319
KEN EARP	569	114	455
	<u>8,736</u>	<u>2,019</u>	<u>6,717</u>

1,992 AUMS - 340 AUMS FROM LAND EXCHANGE = 1,652 AUMS

1,652 AUMS DIVIDED BY 6,717 TOTAL ACTIVE AUMS = 24.59%

STATUS OF GRAZING PERMITS ONLY TO CATTLE AUMS AT 24.59% PROPORTIONATE SHARE SUSPENSION.

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	3,287	4,482
BOB BUNYARD	398	158	240
KEN EARP	569	226	343
	<u>8,736</u>	<u>3,671</u>	<u>5,065</u>

6,717 AUMS - 5,065 AUMS = 1,652 AUMS SUSPENSION.

BOB BUNYARDS SHEEP PERMIT WILL NOT BE AFFECTED:

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
BOB BUNYARD	2,420	485	1,935

CURRENT GRAZING SCHEDULE:

		<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
BUNYARD:				
58 C	04/16 TO 09/30 (CATTLE)	398	79	319
2,000 S	04/01 TO 06/30 (SHEEP)	2,420	485	1,935
2,000 S	10/08 TO 11/15	2,818	564	2,254
1,000 S	11/16 TO 11/25			
2,000 S	11/26 TO 12/07			
WHITE PINE:				
967 C	04/01 TO 10/15	7,769	1,486	6,283
KEN EARP:				
70 C	04/01 TO 10/15	569	114	455
		<u>11,156</u>	<u>2,164</u>	<u>8,992</u>

GRAZING SCHEDULE POST SUSPENSION:

			PREFERENCE	
BUNYARD:		<u>TOTAL</u>	<u>SUSP.</u>	<u>ACTIVE</u>
44 C	04/16 to 09/30 (CATTLE)	398	158	240
2,000 S	04/01 to 06/30 (SHEEP)	<u>2,420</u>	<u>485</u>	<u>1,935</u>
2,000 S	10/08 to 11/15	2,818	643	2,175
1,000 S	11/16 to 11/25			
2,000 S	11/26 to 12/07			
WHITE PINE:				
690 C	04/01 to 10/15	7,769	3,287	4,482
KEN EARP:				
53 C	04/01 to 10/15	<u>569</u>	<u>226</u>	<u>343</u>
<u>Alternative - #4</u>		11,156	4,156	7,000

Allocation of AUMs based on the long term stability of the grazing permits. This alternative applies to directive #1 and relies on the long term stability of the livestock operators as the main bases for allocating the suspension.

ANALYSIS:

The Powers permit has changed hands five times since Harold Powers sold it in 1962.

The Woodruff permit has changed hands five times since Harold Powers sold it in 1962. Portions of the Woodruff and Powers permit are about to be transferred once again.

The Lartirigoyen permit has never left the Lartirigoyen family. Mary Bunyard is the daughter of Martin Lartirigoyen.

Along with the several transfers that have taken place with the permits, both have had frequent periods of significant non-use. On the other hand the Lartirigoyen or Bunyard permit has been a very stable operation with very little changes from year to year.

At the present time both White Pine and Earp permits have been in non-use for the last three years. The Bunyard sheep permit has been leased for the last two years and has a continual record of use.

One intent of the Taylor Grazing Act is to add stability to the western livestock industry. Therefore, it is felt that an equitable allocation of AUMs should consider the stability of all operators and show some preference to the stable, long-term operations.

Since both White Pine and Earp permits have been in non-use and no actual adjustment in livestock numbers is needed to adjust to the new stocking rate, the entire reduction would be proportioned between White Pine and Earp permits.

This action would contribute to the stability of the livestock industry by avoiding any adjustments in actual livestock numbers presently using the allotment. This alternative is not based on current regulations and

there is no procedure for making such a decision. The final allocation of AUMs based on this analysis is as follows:

PROPORTIONATE SHARE SUSPENSION TO WHITE PINE AND EARP PERMITS WITH NO SUSPENSION TO BUNYARD:

CURRENT STATUS OF GRAZING PERMITS:

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	1,486	6,283
BOB BUNYARD	2,818	564	2,254
KEN EARP	569	114	455
	<u>11,156</u>	<u>2,164</u>	<u>8,992</u>

8,992 AUMS - 7,000 AUM'S = 1,992 AUMS
 TOTAL ACTIVE AUM SUSPENSION OF 1,992 AUMS

1,992 AUMS DIVIDED BY 6,738 TOTAL ACTIVE AUMS OF WHITE PINE AND EARP PERMIT = 29.56%

STATUS OF WHITE PINE AND EARP GRAZING PERMITS AT 29.56% PROPORTIONATE SHARE SUSPENSION WITH NO SUSPENSION TO BUNYARD.

	<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
WHITE PINE RANCH	7,769	3,343	4,426
BOB BUNYARD	2,818	564	2,254
KEN EARP	569	249	320
	<u>11,156</u>	<u>4,156</u>	<u>7,000</u>

CURRENT GRAZING SCHEDULE:

		<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
BUNYARD:				
58 C	04/16 TO 09/30 (CATTLE)	398	79	319
2,000 S	04/01 TO 06/30 (SHEEP)	2,420	485	1,935
2,000 S	10/08 TO 11/15	2,818	564	2,254
1,000 S	11/16 TO 11/25			
2,000 S	11/26 TO 12/07			
WHITE PINE:				
967 C	04/01 TO 10/15	7,769	1,486	6,283
KEN EARP:				
70 C	04/01 TO 10/15	569	114	455
		<u>11,156</u>	<u>2,164</u>	<u>8,992</u>

GRAZING SCHEDULE POST SUSPENSION:

		<u>TOTAL</u>	<u>PREFERENCE SUSP.</u>	<u>ACTIVE</u>
BUNYARD:				
58 C	04/16 to 09/30 (CATTLE)	398	79	319
2,000 S	04/01 to 06/30 (SHEEP)	2,420	485	1,935
2,000 S	10/08 to 11/15	2,818	564	2,254
1,000 S	11/16 to 11/25			
2,000 S	11/26 to 12/07			

WHITE PINE:

681 C	04/01 to 10/15	7,769	3,343	4,426
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KEN EARP:

49 C	04/01 to 10/15	<u>569</u>	<u>249</u>	<u>320</u>
		11,156	4,156	7,000

V. SUB-COMMITTEE RECOMMENDATION (Att. 3)

The sub-committee, in reviewing the information and data found it difficult to understand and second-guess past actions. Thus, it was difficult to reach agreement on actions that will now be equitable to all three permittees in the Massacre Mountain Allotment. The subcommittee, by consensus, recommends the following:

1. All members agreed that B.G Bunyard has historically, and up to the present, made a portion of his sheep grazing use in the Little High Rock Allotment. Therefore, the sub-committee recommends his sheep use in the Little High Rock Allotment be recognized, either by combining the two allotment into one or by licensing a portion of his sheep grazing preference in the Little High Rock Allotment.
2. The sub-committee members agreed the 340 AUM's White Pine Ranch received as a result of a land exchange in 1975 should be taken off White Pine's active preference before allocating the balance of the reduction to the other permittees.
3. The sub-committee agreed each class of livestock grazing within the Allotment has different impacts on the other resource values found within the allotment. All of the justifications given to support the livestock exclusion area were exclusively to eliminate impacts resulting from cattle grazing. The only impact identified with sheep grazing was the conflict with the introduction of bighorn sheep. This issue is separate from the implementation of livestock exclusion area and can only be addressed with the complete removal of domestic sheep grazing. Therefore, the sub-committee recommends the proposed reduction of AUM's resulting from the livestock exclusion area (ACEC) be allocated among the cattle permits only.
4. In review of the current regulations the sub-committee recommends the required reduction in grazing use be implemented by removing AUMs from the active preference of each permittee as suspended non-use rather than cancellation. The permittee retain an opportunity to reactivate some suspended AUM's in the future should additional forage become available thur improved forage production within the Massacre Mountain Allotment or elsewhere within the Resource Area.

In order to assist the Steering Committee, District Manager for the issuance of a Grazing Decision, a Proposed Draft Decision is attached. This grazing Decision was developed using rationale and adjustment criteria from each of the four alternatives that were considered. The sub-committee selected those items from each alternative they felt were most equitable to all parties involved. The major points of this decision includes a reduction of 340 AUMs to White Pine Ranch as a result of AUMs allocated following the High Rock land exchange, allocation of the balance of the reduction proportionately to cattle use only and the recognition of sheep use within the Little High Rock Allotment (See Appendix #10).