09-06-96

Hi Gus &
Hope all is well with you -
hope you will
visit Montana
down the road.

Here is a few odd & ends.

Best regards,

[Signature]

(406) 723-6418
File Code: 2210
Route to: Ecosystem Management, ELRD and LNF SO
Subject: Harvey Valley Allotment Management

To: District Ranger, Eagle Lake Ranger District

Date: August 18, 1995

I did a rather low intensity inspection of the Harvey Valley Allotment today to familiarize myself with livestock use intensity at mid season and general allotment conditions. Relevant items noted include the following:

1. Met with Bob Andrews (District Ranger) and Beverly Clark (District biologist) at Burgess Spring. This unit is ungrazed at this date. There is fresh cattle sign near the springs however it is light and indicates a few strays got in the unit. The wet year has resulted in water coming out of the ground upstream from the existing spring exclosure. We all seemed to feel that expanding the fence to include the upstream water source and some adjacent wet areas would better protect the function of the springs and riparian area.

2. A barbed wire fence to extend a corridor down the riparian area from Burgess spring is still under construction. The District has plans to complete this fence before livestock are allowed into the unit.

3. Cattle are currently in the Dixie Spring unit (which in the annual operating plan (AOP) is unit # 1). This is the first unit for the 1995 grazing season, so cattle have been there since turnout. I counted 340 cows and noted several bulls (12+) and about 180 calves. Counting was done with binoculars and, in some cases, from a distance so it is not precise. Utilization of forage on primary grazing areas is about 75% (my ocular estimate based on key species). Cattle are concentrating in the wet meadows and are heavily utilizing the Poa spp. The meadows appear to not be grazed heavily from a distance however, closer inspection reveals that the less desirable forage species such as Juncus spp. are only very lightly used while the key forage species are heavily used. The small pit reservoir in the NW 1/4 of section 27 is surrounded by an area of extremely heavy utilization (90% on key forage species) for a radius of about 1/8 mile. Cattle are still concentrating there. The western and southerly parts of the unit, near Whitehorse reservoir and along the base of Crater Mtn., show utilization of key forage species to be 80-90% (again, my ocular estimate).

4) There are two condition and trend monitoring plots within this unit. They were most recently read in 1993 at which time they indicated a present vegetative condition and trend of poor and stable and good and stable respectively. The two other C&T plots that have been read as recently as 1993
on the allotment include one in unit two, which indicated a vegetative condition and trend of very poor and declining and one in unit three where the results indicate a C&T of poor and declining. The remaining 12 C&T plots on the allotment have not been read since the '60's or '70's.

5) Our objective for rangeland management should be vegetation and soils in good or better condition with a stable or upward trend. The C&T condition ranking system includes, very poor, poor, fair, good and excellent as levels of condition. Our LRMP management direction states this as satisfactory or better ecologic condition with a stable or upward trend. The documented condition on the Harvey Valley allotment is, for the four recently monitored (1993) plots, one very poor, two poor and one good. It is notable that the very poor and one of the poor plots had declining trends. Within these plots, non-native introduced grasses such as smooth brome (Bromus inermus) are declining in vigor and abundance. If the sites were being maintained in desirable condition it is likely that as these non-native grasses died out, desirable native vegetation would take their place. This is apparently not happening, therefore the condition of the site is declining.

6) Forest standards for utilization of range condition are 0-49 percent on perennial vegetation where rangeland condition is in less than fair condition or has a downward trend. Considering this, it is clear that current utilization of key herbaceous forage on the Harvey Valley allotment is too high.

7) The wet conditions and excellent growing season we had this year produced excellent quality and quantity of forage compared to other years. The wet conditions also held cattle off the National Forest because range conditions were not ready for livestock on June 1, the normal on date for this allotment. As a result, instead of entering the Forest with full permitted numbers, which would be 515 cow/calf, on June 1, the permittee came on with 170 cow/calf on June 15 and the remaining 250 on July 15 (at Jay Dow's request numbers were reduced to 415 head but he ended up turning out 420 head with the District rangeland conservationist's approval). This indicates that as of the date of this allotment inspection (August 18), actual use was 834 AUMs. Planned permitted use for this unit of this allotment is 515 head, 6/1 to 8/1, according to the annual operating plan, which equals 1,360 AUMs.

My utilization estimates were ocular and subject to verification. They are reasonably close. If we conservatively consider them as averaging 70% utilization of key species on August 18, and that, considering the C&T information that tells us we have rangelands that do not meet Forest or Regional standards and our utilization levels should be less than 40% to provide for recovery to acceptable ecological condition, then unit 1 is overstocked by 175% and proper use in unit 1 should be 476 AUMs on a fine forage year like this (1995). It is likely that the remaining units are in a similar predicament.

8) The district is close to rotating livestock to unit 2. I don't know if they are taking utilization and making the rotation to that information. The annual operating plan does not specify site specific utilization standards so one must apply the general Forest standards (which have been exceeded).
9) The allotment is grazed in a 3 pasture rest-rotation system. The permitted season is from 6/1 to 10/31 each year. One unit is planned to be grazed for 2 months, the other for 3 months. Essentially, this is two season long continuous use allotments. This long of a season is not adapted to provide for riparian area improvement or even maintenance. If we accept the fact that the amount of time a piece of land is exposed to livestock has a direct effect on the condition it is in when they leave then it is clear that we cannot expect adequate conditions, particularly in riparian areas, on lands that are exposed to cattle for 60 to 90 days. Current thinking in rangeland management is to limit exposure of cattle in riparian areas to very short amounts of time, such as no more than 14 days. My opinion is that the season of use in each of these units must be radically changed or we will not be able to get adequate recovery of ecosystem health, particularly in riparian habitats.

It is also notable that out of the past nine years the permittee has been allowed to graze the rest unit in the allotment at least 5 times, if my memory serves me correctly, and Jay Dow has brought this up as a point he would like to explore further. The reason the rest unit was grazed on those years was due to the lack of forage in the units scheduled to be grazed. This is conclusive documentation that we are severely overstocking this allotment and need to correct our management to achieve desired conditions. Our current management is one that appears to be designed to utilize available forage without adequate consideration of other resources.

10) I noticed in the 2230 permit folder that the term grazing permit for this allotment (#06-58-19) is issued to Don Dow of Janesville, California but the bill is issued to Jay Dow of Wendel, California. I have been told by the District range conservationist that Don Dow is no longer interested in the permit on the Forest and that Jay Dow is running the permit. This situation needs to be resolved. If Don Dow is not interested in continuing as the term grazing permittee then the permit should be waived back to the Forest Service and reissued to a qualified applicant. If Jay Dow is grazing cattle on National Forest lands then, in effect, that constitutes unauthorized use and he is subject to unauthorized use fees. Additionally, if Don Dow is not grazing at least 90% of permitted numbers in a given season then he is not validating his term permit and we are in a position of initiating administrative action adverse to the permit. I sense we as an agency have known about this situation and in fact may have had a role in enabling it to happen so I do not recommend taking action against the permit or Jay Dow at the present time. It needs to be cleared up as soon as possible. As it stands now, there is no way to enforce any type of administrative action because, in effect, there is no permit. Technically, the only enforcement mechanisms we currently have to enforce rangeland management objectives on the allotment are impoundment and law enforcement because the owner of livestock on the Forest does not have a permit.

11) I counted several bulls on the allotment. Bulls are not included in the permit and are not authorized to be on the allotment. If this is a normal mode of operation for the permittee the permit must be modified to include the bulls. I have had this conversation several times with District range staff in the past. Are the bulls in addition to the cow/calf on the permit or are they part of the total number specified (500 cow/calf)? Either way, the permit needs to be modified to reflect actual permitted numbers. Note Part 2, clause 8(b) of the term permit which specifies the permittee will only allow the
"number, kind and class of livestock as specified in the permit" on National Forest lands.

12) Fences on the allotment are commonly 4-strand and some are even 5-strand. The bottom wire is often closer than 16" to the ground surface. Because the Harvey Valley area is important for pronghorn antelope use we need to adjust the fences as soon as possible to make them more suitable for antelope.

13) About 300' SW of the corrals at Dixie Springs there is an active headcut in the main stream channel. This is within the little 20 acre (+/-) field adjacent to the corrals. Upstream from the cut one can observe the water table and hydrologic function of the meadow is healthier in that the green area is more extensive. Below the headcut the green (wetted) area is reduced. The rest this pasture has had this year is allowing the headcut to heal a bit. We should take immediate action to protect this from grazing impacts so it will not deteriorate further.

Recommendations

1) Correct the term permittee situation as explained in #10 and in #11. This is very important to do immediately.

2) With next years annual operating plan develop desired conditions for vegetative, riparian, browse and soil conditions and develop and implement management to meet those standards.

3) Immediately conduct utilization in unit #1 and continue with unit #2 as the season progresses. This will accomplish two very important things. First, it will give us a refinement of carrying capacity based on actual use (which is the most accurate way to determine actual use) that will serve as information we need for future management decisions. Second, the utilization information collected in the next unit will need to be used to monitor when cattle will need to come off the allotment. It is clear to me that they will not be able to stay until 10/31 and still be within any acceptable utilization standard.

4) As soon as the utilization information is in for the first unit, share it with the permittee. It appears to me, as I have tried to explain in this document, that we are significantly overstocked on the allotment. Providing this information to the permittee allows him to try to work with us to develop solutions for next season and also provides him with a years notice that we may have to adjust his permit by more than 20% next year. FS policy in these situations is to notify the permittee at least one year in advance if we anticipate greater than 20% reductions in permitted use due to non-emergency reasons. This should be done immediately. Also, the information within this document should be shared with the permittee.

GARY SMITH
Forest Range and Wildlife Staff