

**Lattin Livestock LLC Presentation
to
Nevada Legislative Interim Committee on Public Lands**

March 26, 2004

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EXHIBIT R1 Lands	Document consists of 27 pages
<input checked="" type="checkbox"/> Entire document provided.	
<input type="checkbox"/> Due to size limitations, pages _____ through _____ provided.	
A copy of the complete document is available through the Research Library (775-684-6827 or e-mail library@lcb.state.nv.us). 06-25-04 Meeting Date _____	

Lattin Livestock LLC Presentation Summary
Nevada Legislative Interim Committee on Public Lands, March 26, 2004

March 26, 2004

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Agenda Item:
Discussion of USFS Policies and Procedures Regarding the Monitoring and Use of Grazing Allotments

Testimony by:	Presentation Topics & Issues
<p>Mike Lattin</p>	<p style="text-align: center;">INTRODUCTORY COMMENTS</p> <p>Purpose Lattin Livestock LLC is a ranching operation located in Elko County south of Jiggs, Nevada, with both Forest Service and BLM grazing permits. We have experienced difficulties with Forest Service administration practices, as have many other grazing permit holders. My purpose today is to offer ideas for your consideration that I believe will greatly improve the administration of the Forest Service in a manner that will be beneficial for livestock grazing permittees, for the general public, and for Forest Service employees. Those ideas will be presented to you by my range management consultants Al Steninger and Quinton Barr of Western Range Service. You have been provided with copies of my letters to Congressman Jim Gibbons, dated March 12 and March 23, which summarize the testimony to be presented today.</p>
<p>Al Steninger</p>	<p>Response - General response to Forest Service presentation</p> <p>USFS Accountability - An Overview Implement procedures requiring responsible action and local review before decisions are issued, and revise appeal procedures to establish an impartial, fair and rational due process opportunity for judicial review of decisions. Specific Issues: Definitions, Review Board, Decisions, Due Process Correlate modifications for BLM administration and accountability</p>
<p>Quinton Barr</p>	<p>Response - Technical/specific response to Forest Service presentation</p> <p>USFS Accountability - Problems caused by lack of accountability</p> <ul style="list-style-type: none"> • Lattin example • Misuse of Terms and Definition

Lattin Livestock LLC Presentation Summary
Nevada Legislative Interim Committee on Public Lands, March 26, 2004

March 26, 2004

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Agenda Item:

Discussion of USFS Policies and Procedures Regarding the Monitoring and Use of Grazing Allotments

Testimony by:	Presentation Topics & Issues
Mike Lattin	<p style="text-align: center;">SUMMARY COMMENTS</p> <p>The following summary comments and questions are respectfully submitted for the Committee's consideration.</p> <p>Historical Data for Grazing Permits The Forest Service has received written and oral requests since November 2003 to provide historical data for livestock grazing permits and actual use on the Humboldt National Forest, by Congressman Jim Gibbons, Assemblyman John Carpenter, Elko County Commissioners, and Lattin Livestock? The Forest Service has not provided the requested data, much of which their Forest Plan requires they annually report. Will the Forest Service provide such data? If so, when?</p> <p>Public Complaints about Livestock Grazing We are told by the Forest Service that many public complaints have been filed concerning livestock grazing in the Ruby Mountain Ranger District. How many complaints were filed in 2003 with the Ruby Mountain Ranger District regarding livestock or livestock grazing issues? Will the Forest Service provide the names and addresses of the complainers? If not, why not?</p> <p>Failure to Follow Forest Plan Direction The Forest Service's failure to follow its own Forest Plan, especially with respect to its grazing monitoring procedures has resulted in a deterioration of wildlife habitat (especially bitterbrush browse for deer), a significant increase of fire hazard by allowing a significant accumulation of unharvested and decadent vegetation, and rendering livestock grazing on the Forest to be an economically non viable enterprise. The existing Forest Service administration is one of excluding beneficial human multiple uses, not management.</p> <p>Request for Nevada Legislative Assistance Lattin Livestock LLC requests the Committee's support of the ideas presented for its consideration. What can the Nevada Legislature do, if anything, to cause the Forest Service to effectively manage and fairly administer its resources?</p>

(C)

MIKE LATTIN
LATTIN LIVESTOCK LLC
3250 SUNDANCE DRIVE
ELKO, NEVADA 89801
(775) 738-2210

March 12, 2004

Congressman Jim Gibbons
100 Cannon House Office Building
Washington, D.C. 20515

US FOREST SERVICE ACCOUNTABILITY

Dear Congressman Gibbons:

I respectfully submit the following request, which I believe will benefit ranchers holding US Forest Service grazing permits and Forest Service employees by providing both entities a more effective and efficient procedure for preventing and resolving conflicts.

I request that you take whatever action you deem appropriate to implement agency policy, regulation and/or law to establish the following US Forest Service administrative procedures.

Agency Accountability

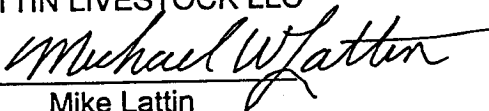
1. **Definitions.** The definitions of technical "words of art" shall be those published in the Forest Plan, law, regulation, or in glossaries of the most applicable technical field or discipline.
2. **Review Board.** The agency shall present all decisions (below described) to a Review Board prior to their issuance, for the purpose of obtaining the Board's concurrence or non-concurrence. The Review Board shall include five members representing the general public, the County, the State, the United States (excluding Forest Service employees) and Forest Service permittees.
3. **Decisions.** No decision shall be issued that affects or modifies any permitted use (such as a livestock grazing permit) that is not supported by monitoring data, collected by procedures that have been manualized by an agency of the USDA that physically measures the parameter(s) established as an objective in the Forest Plan, its amendment(s), or an applicable activity plan prepared in conformance with the Forest Plan (such as an allotment management plan). All decisions shall identify the concurrence or non-concurrence of the Review Board.

Due Process Procedure

An administrative appeal procedure shall be established in which the reviewing judge is not an employee of the Forest Service, and which provides the opportunity for an appellant to question the agency official(s) that issued the decision under appeal or participated in the development of conclusions upon which such decision relied, and to obtain and review the data and information upon which said agency officials' conclusions and decision were based. A procedure similar to the Bureau of Land Management appeal process will provide such reasonable due process opportunity for an appellant.

Sincerely,

LATTIN LIVESTOCK LLC

by 
Mike Lattin

(D)

MIKE LATTIN
LATTIN LIVESTOCK LLC
3250 SUNDANCE DRIVE
ELKO, NEVADA 89801
(775) 738-2210

March 12, 2004

Congressman Jim Gibbons
100 Cannon House Office Building
Washington, D.C. 20515

Lattin Livestock's Example - Lack of Agency Accountability, U.S. Forest Service

Dear Congressman Gibbons:

Gibbons' November 14, 2003 Constituent/U.S. Forest Service Meeting - Elko

Lattin Livestock LLC (Lattin) employed Al Steninger and Quinton Barr (Western Range Service range consultants) to give a presentation during your November 14 constituent meeting reviewing Humboldt National Forest Land and Resource Management Plan (Forest Plan) requirements regarding livestock use limits, and the appropriateness of the Forest Service's enforcement of those requirements in the Ruby Mountain Ranger District. Their presentation presented evidence that the Forest Plan, through its Amendment Number 2, states that the utilization Standards established therein are applicable to 'key areas', which by definition are areas that reflect the overall grazing within a pasture or unit as a whole (definition from "A Glossary of Terms Used in Range Management" 3rd Ed., Society for Range Management, 1989). However, the Forest Service has not been applying the utilization Standards on a key area basis, but rather has been applying the Standards to the most heavily grazed areas that are not representative of the overall grazing use as required by the Forest Plan, a fact that Forest Service representatives at the meeting did not refute.

The Elko County Commissioners' office requested that the Forest Service provide prior to your November 14 constituent meeting, among other things, documentation of the total permitted head months of livestock grazing and head months actually used by livestock in individual allotments and in the Humboldt and Toiyabe National Forests as a whole over the last three decades. I understand that none of the requested information has been provided to the Elko County Commissioners. Soon thereafter, I requested to be provided with documentation of the total permitted head months of livestock grazing, head months of livestock grazing authorized under Annual Operating Plans, and head months actually used by livestock in individual allotments and in the Humboldt National Forest as a whole averaged over the last three decades, and for the last three years. I have not yet received any of the requested documentation, despite the fact that the Forest Plan specifically requires that each District Ranger annually obtain data and prepare reports regarding actual use by both livestock and wild horses.

March 3, 2004 Meeting - Lattin and U.S. Forest Service

On March 3, 2004, Quinton Barr and I met with U.S. Forest Service agents William VanBruggen (District Ranger, Ruby Mountain and Jarbidge Districts), John Speck, and Alan Warren at the Forest Service office in Elko, Nevada to discuss the Forest Service's Notices of Non-compliance issued to Lattin regarding 2003 cattle grazing use in Lattin's Ruby Mountain Ranger District allotments. Positions taken by the Forest Service during that meeting serve as a timely example of the lack of accountability by Federal agents in carrying out their duties.

Speck stated that in dealing with grazing permittees, he was trying to fix specific problems such as Lattin's failure to meet utilization Standards last year which resulted in the issuance of Notices of Non-compliance, including the attached Notice dated March 2, 2004. Upon review of the March 2 Notice, Barr said that the September 10, 2003 field inspection referenced therein was incapable of yielding a determination that riparian utilization Standards had been exceeded because Amendment 2 (which added such Standards to the pertinent Forest Plan) specifically states that the Standards are applicable to key

(E)

areas, while the September 10 inspection did not measure utilization at key areas, but rather measured utilization only at the most heavily grazed areas.

Speck replied that the Forest Plan 'key area' requirement was not an issue that would be discussed at the meeting because it could only be resolved at the Forest Supervisor's level. The District simply followed direction from the Supervisor instructing that utilization values set forth under the Standards are not to be exceeded at any place at any time. Ranger VanBruggen claimed that the issue could not be resolved at the District level, stated that the issue would not be discussed at the meeting, and said to take the matter up with Diane Weaver at the Forest Supervisor's office. Speck said that all of the Districts on the Forest had received the same instruction and were applying the riparian Utilization standards in a similar manner, so they were not going to debate the Forest Supervisor's interpretation of the utilization Standards against Barr's interpretation. Barr responded by stating that the implication that this was simply a matter of different interpretations was wrong because the term 'key area' has a very specific meaning in the field of range management, and the Forest Service chose to use that term in writing Amendment 2, not him.

Speck cut Barr off and said that the issue would not be discussed any further. Thus, the meeting proceeded with the Forest Service asserting that their determination that Lattin's use exceeded riparian utilization Standards conformed with the Forest Plan, that said determination was not subject to challenge, and that they had no burden to prove their case.

VanBruggen's invitation to take the matter up with the Forest Supervisor's office does not represent a true "due-process" mechanism for several reasons.

First, the Forest Service moved forward with their assertion that Lattin had exceeded riparian utilization Standards during the March 3rd meeting, treated such assertion as fact, and discussed what must be done to remedy the "violation" without allowing Lattin to challenge whether a "violation" even occurred. To take the matter up with the Forest Supervisor's office after the remedy is established is not a fair conflict resolution process.

Second, the Forest Service process requires Lattin to have the Forest Supervisor arbitrate the dispute when the District agents have already established that it was the Forest Supervisor's office that initially instructed them on how to make the very determination that is being contested. A fair resolution process requires that a disinterested third party serves as arbitrator, not one of the parties directly involved in the dispute.

Third, even if the case is taken into Federal court, the process is biased against Lattin because he is allowed only to enter evidence that was gathered during the administrative appeal process, which is essentially nothing because the Forest Service has taken the position that during the administrative process they have no burden to produce evidence to prove their case and that their assertions are not even subject to challenge, therefore they produce little or no documentation during the administrative appeal process upon which Lattin can base a Federal court challenge.

Sincerely,

LATTIN LIVESTOCK LLC

by Michael W Lattin
Mike Lattin

(F)



United States
Department of
Agriculture

Forest
Service

Humboldt-Toiyabe
National Forest

Ruby Mountains/Jarbridge Ranger
Districts
P. O. Box 246
Wells, NV 89835

File Code: 2230

Date: March 2, 2004

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

The Lattin Family Trust, U.D.T.
Attn: Mike Lattin
3250 Sundance Drive
Elko, NV 89801

Dear Mr. Lattin:

NOTICE OF NON-COMPLIANCE

This letter is in regard to Term Grazing Permit No. 20188, issued in the name of Lattin Family Trust on May 15, 1998. This permit authorizes the grazing of 115 cow-calf pairs during the season of June 15 to October 1 on the Corral Creek C&H Allotment.

On September 10, 2003, the Corral Creek Allotment was inspected for permit compliance. The following people were present at the inspection: John Speck, Alan Warren, Quentin Barr and yourself. During the inspection, utilization was measured in pasture 3 at various locations along Corral Creek and adjacent riparian meadows. The main Corral Creek riparian was determined to be within forest plan standards, however riparian meadows away from the creek were found to exceed forest plan standards. On the meadows, riparian herbaceous vegetation was measured at 79%, the permit standard was 55%, 24% greater than the maximum allowable. Cattle were present in the meadows and heavy trampling and soil movement had occurred around the springs.

Exceeding utilization standards is a violation of the provisions of your Term Grazing Permit as described in Part 2, clause 8(a) and Part 3, Special Terms and Conditions, Management Practices.

The following actions and time frames for accomplishment are required of you to remedy the noncompliance:

Your livestock must be removed from areas within the Corral Creek Allotment prior to exceeding the utilization standards in 2004. Livestock must be moved to the next pasture or removed from the allotment if it is the last pasture prior to exceeding utilization standards in your Term Permit.

Failure to correct this violation within the prescribed time frames may result in the initiation of permit suspension or cancellation procedures.



G

Your cooperation and quick removal of livestock following the identification of the utilization problem was noted. We believe this utilization problem on the meadows can be solved by improving the distribution of your livestock throughout the allotment. This is critical during the hot and dry periods to prevent livestock from concentrating on riparian areas.

I am willing to discuss any questions you may have concerning this matter. You may contact Alan Warren, John Speck or me at the Wells Office at (775) 752-3357.

Sincerely,



WILLIAM VAN BRUGGEN
District Ranger

cc: Robert L Vaught, Forest Supervisor

(H)

Mike Lattin
Lattin Livestock LLC
3250 Sundance Drive
Elko, Nevada 89801
Call (775) 738-2210 • Fax (775) 753-8049
mikela@citlink.net

March 23, 2004

Congressman Jim Gibbons
c/o Betty Jo Vonderheide, District Director
400 South Virginia Street, #502
Reno, Nevada 89501

**U.S. Forest Service and Bureau of Land Management
Misuse of Well-Defined Range Management Terms**

Dear Congressman Gibbons:

Thank you for meeting with us in Elko on March 12, for your offer of assistance, and for your recommendations. I presented two letters to you during our meeting regarding my suggestions for improving US Forest Service and Bureau of Land Management accountability, and one letter summarizing the lack of Forest Service accountability that I am experiencing with respect to their administration of my Forest Service grazing permit. At the close of our meeting, you requested my consultant Al Steninger to provide supplemental information for my March 12 letters in the form of a list of range management terms that have been misused by Federal land management agencies, particularly the US Forest Service and Bureau of Land Management.

The following presentation provides specific examples of agency misuse of "words of art" outside of their otherwise well-defined and accepted meanings, which was prepared with the assistance of Western Range Service range management consultants Al Steninger and Quinton Barr.

Specific Examples of Terms that have been Misused by Federal Agencies

Key Area A "key area", by Forest Service accepted definition, must reflect the overall grazing management of the range. Regarding utilization standards, the Humboldt National Forest's Forest Plan states:

"They [utilization standards] are applicable to key species and areas."ⁱ

Contrary to this explicit Forest Plan direction, the Humboldt National Forest is applying the utilization standards to limited livestock concentration zones within riparian areas that do not reflect the overall grazing management of the range. When I tried to hold the Forest Service to the "key species and areas" requirement of the Forest Plan during a March 3, 2004 meeting, they stated that they considered the livestock concentration zones in riparian areas to be "key" to management of my allotment, therefore such areas are "key areas." However, this is a re-definition of the term "key area" to mean the same thing as another range management term, "critical area," already accepted by the Forest Service. If the Forest Service intended for the utilization standards to be applied to "critical areas" the Forest Plan should and could have used

ⁱ Humboldt National Forest Land and Resource Management Plan (Forest Plan) Amendment 2, page 3, change for page IV-32 of the Land and Resource Management Plan

Lattin Livestock LLC to Congressman Gibbons March 23, 2004
Misuse of Well-defined Range Management Terms Page 2

that well-known term rather than the term "key species and areas" which must reflect the overall grazing management of the range.

During my March 22, 2004 meeting with the Forest Service, they claimed that the Forest Plan sentence quoted above makes the utilization standards applicable to "key species" but not to "key areas." They made this claim by stating that the adjective "key" attaches to the noun "species" but not to the noun "areas." Thus, they claim the utilization standards are applicable to "key species" and unspecified "areas." First, this claim is betrayed by the Forest Service's own response to Comment 20 in its Supplement to the Final Environmental Impact Statementⁱⁱ that was prepared in connection with Amendment Number 2 which established the Forest Plan utilization standards, as follows:

"20. Comment: Utilization standards should be set on an allotment basis considering the variability of soil, vegetation and climate.

Response: This is Forest Service direction and intent. In many instances it may be appropriate to set different standards for the various key areas that occur within an allotment..." (underlined emphasis added).

This Forest Service response shows that they had the "key area" concept in mind when Amendment Number 2 was written to establish the utilization standards. To now claim otherwise is post-hoc rationalization that is contrary to the original intent of the Forest Plan utilization standards. Second, this claim is nonsensical, as can be seen by rewriting the compound sentence from the Forest Plan as two separate sentences based upon the Forest Service's new post-hoc rationalization:

"They (utilization standards) are applicable to key species. They are applicable to areas."

The second sentence adds no clarification and meaning to the first sentence because it fails to specify what areas the utilization standards are applicable to. It is obvious that the utilization standards are applicable to areas somewhere, but the addition of the noun "areas" to the original Forest Plan sentence adds no meaning unless it specifies to what areas the standards apply, namely to "key areas." Thus the adjective "key" must modify both the nouns "species" and "areas" or the inclusion of the word "areas" adds no meaning to the forest Plan sentence.

Utilization "Utilization", by accepted definition, is the proportion of current year's forage production that is consumed or destroyed. However, contrary to this accepted definition, both the Forest Service and Bureau of Land Management routinely insist that utilization monitoring must occur immediately following the livestock use period even if such use period ends before the forage plants have made an entire year's growth, and these agencies routinely refuse to consider the contribution of additional growth toward the current year's total forage production that occurs after the livestock use period. Thus, such agencies utilization determinations are biased to be higher than they should be. Essentially, these agencies are conducting what are actually "seasonal utilization" studies (utilization before the end of the growing season), but are incorrectly referring to such studies and reporting the results as classical "utilization" data. In most cases, such "seasonal utilization" studies do not conform to land use plans because their objectives are written in terms of classical "utilization" instead of "seasonal utilization."

J

Animal Units and Animal Unit Months An "Animal Unit", by accepted definition, is one mature cow of approximately 1,000 pounds, with or without a calf, or the equivalent. An "Animal Unit Month" (AUM) is the amount of dry forage required by one Animal Unit for one month. While the Bureau of Land Management routinely considers a cow with a calf as one Animal Unit for forage allocations, the Lakeview, Oregon District recently considered each mare and foal as a separate Animal Unit when allocating forage to wild horses, contrary to the accepted definition which would consider a mare and her foal one Animal Unit equivalent to a cow and her calf. The result was that the Lakeview District increased the forage allocation for wild horses from 2,400 AUMs to 3,000 AUMs based only upon this re-definition of an Animal Unit for wild horses in an allotment where they concurrently denied a request to increase the forage allocation to cattle.

Stubble "Stubble", by accepted definition, is the basal portion of plants that is left after the top portion is harvested. The Forest Service and Bureau of Land Management used this accepted definition when establishing minimum stubble height requirements in many Districts. However, after the stubble height requirements were established, it has become common practice by both of these agencies to only measure the height of leaves that are left after grazing, ignoring the taller stems and seed heads that are left. This amounts to a redefinition of "stubble" to mean only the leaf material that is left rather than the entire basal portion of plants that is left. Measuring only remaining leaf heights to evaluate standards that were originally based upon entire basal plant portions results in determinations that minimum "stubble" heights have been reached earlier than is actually the case.

Overgrazing and Sacrifice Area "Overgrazing", by accepted definition, is grazing that exceeds the recovery capacity of the range and creates a deteriorated range. A "sacrifice area" is an area that is unavoidably overgrazed to obtain efficient overall use of the management area. Despite the requirement of these definitions that the terms are characterized by a deteriorated range (permanent or long-term damage to vegetation or related resources) the Forest Service and Bureau of Land Management routinely refer to any situation where they observe closely grazed plants as "overgrazing" or "sacrifice areas", without any data or evidence that the observed close grazing has resulted in range deterioration. Unless grazing has caused permanent or long-term damage to vegetation or related resources, the terms "overgrazing" and "sacrifice area" are not applicable, no matter how close the plants are currently grazed. The application of these terms in such situations is misuse.

Recommendation

As can be seen in the above examples, misuse of well-defined "words of art" by Federal land management agencies is often an outgrowth of specific conflicts that arise between the agencies and resource users. This makes it virtually impossible to predict when or how these agencies will misuse an existing, well-known term, or which term will be misused. Accordingly, it is impossible to prepare a comprehensive list of all of the technical terms that might be misused by the Federal agencies in the future. This is why we suggest that the federal agencies be required to follow a specific protocol regarding the use of technical terms or "words of art." For example, Federal land management agencies should be required to adhere to a protocol regarding the use of range management terms similar to the following:

Unless specifically defined otherwise in existing laws, regulations, or land use planning documents, all technical terms regarding range science and range management shall be used as defined in the following references, listed in order of authority:

(K)

Lattin Livestock LLC to Congressman Gibbons March 23, 2004
Misuse of Well-defined Range Management Terms Page 4

1] The most recent edition of "Interagency Technical References" approved by at least one agency under the U.S. Department of Agriculture and one agency under the U.S. Department of Interior (examples: two 1996 Interagency Technical References, one entitled "Utilization Studies and Residual Measurements" and the other entitled "Sampling Vegetation Attributes");

2] The most recent edition of the USDA Natural Resource Conservation Service's "National Range and Pasture Handbook";

3] The most recent edition of the Society for Range Management's "Glossary of Terms used in Range Management";

4] The most recent edition of an applicable national level Federal agency "Technical Reference" (example: Bureau of Land Management Technical Reference 4400-1 entitled "Planning for Monitoring"); and,

5] The most recent edition of state level "Monitoring Handbooks" (example: the Nevada Range Studies Task Group's 1984 "Nevada Rangeland Monitoring Handbook").

Similar protocols could be developed for technical terms specific to other resource management disciplines, such as forestry, mining, and recreation.

Please contact me if I can provide any additional information, or you may contact Al Steninger or Quinton Barr at the following address.

Western Range Service
P.O. Box 1330
Elko, Nevada 89803

Phone, 775-738-4007; Fax, 775-753-7900, email, wrsnrs@frontiernet.net

Sincerely,

LATTIN LIVESTOCK LLC

by


Mike Lattin

Endnotes:

CC WRS

(L)

MIKE LATTIN
LATTIN LIVESTOCK LLC
3250 SUNDANCE DRIVE
ELKO, NEVADA 89801
(775) 738-2210

March 12, 2004

Congressman Jim Gibbons
100 Cannon House Office Building
Washington, D.C. 20515

BLM ACCOUNTABILITY

Dear Congressman Gibbons:

I respectfully submit the following request, which I believe will benefit ranchers holding USDI Bureau of Land Management (BLM) grazing permits and BLM employees by providing both entities a more effective and efficient procedure for preventing and resolving conflicts. The proposed BLM Rule Changes and the Association of Rangeland Consultant's comments to those rule changes will significantly improve BLM administration. My request will further improve future public agency and private enterprise relationships.

I request that you take whatever action you deem appropriate to implement agency policy, regulation and/or law to establish the following BLM administrative procedures.

Agency Accountability

1. **Definitions.** The definitions of technical "words of art" shall be those published in the Land Use Plan, Resource Management Plan, law, regulation, or in glossaries of the most applicable technical field or discipline.
2. **Review Board.** BLM shall present all decisions (below described) to a Review Board prior to their issuance, for the purpose of obtaining the Board's concurrence or non-concurrence. The Review Board shall include five members representing the general public, the County, the State, the United States (excluding BLM employees) and BLM permittees.
3. **Decisions.** No decision shall be issued that affects or modifies any permitted use (such as a livestock grazing permit) that is not supported by monitoring data, collected by procedures that have been manualized by an agency of the US Department of Interior that physically measures the parameter(s) established as an objective in the applicable Land Use Plan, Resource Management Plan, or an applicable activity plan prepared in conformance with the Land Use Plan and Resource Management Plan (such as an allotment management plan).

Sincerely,

LATTIN LIVESTOCK LLC

by 
Mike Lattin

M

AMENDMENT NUMBER 2

Humboldt National Forest Land and Resource Management Plan

July, 1990

The Chief has directed the Humboldt National Forest to amend its Forest Plan, Final Environmental Impact Statement, and Record of Decision in several areas to clarify management direction, standards, and guidelines, as well as other supporting information. These changes do not significantly alter the direction, goals and objectives, management prescriptions, or outputs.

Following are amendment items responding to the Chief's direction:

Record of Decision:

Page 5: Change second paragraph to read "Existing developed recreation sites will be managed to standard during the established recreation season."

Land and Resource Management Plan:

Page II-3: Change the first paragraph to read "The secondary zone of influence is that area which is indirectly impacted by Forest policy and decisions. This zone includes the urban counties of Clark, Douglas, Ormsby, and Washoe, as well as southern Idaho and western Utah. The Humboldt National Forest provides recreation and Wilderness opportunities to residents in this zone. The Forest may also affect a limited number of residents in this zone by decisions involving other resource activities, such as livestock grazing."

Page II-10: Following the fourth paragraph, insert the following new paragraph:

The relationship between the amount of existing sage grouse habitat and that which will exist at the time of Forest Plan implementation is shown in Table IV-4, page IV-13, of the Final Environmental Impact Statement for the Forest Plan. It is projected that there will be a slight increase in the habitat capability for sage grouse. The sagebrush vegetation type (953,063 acres) is considered potential habitat, however, a current inventory of all the components of sage grouse habitat on the Forest does not exist. The Nevada Department of Wildlife and the Humboldt National Forest maintains an inventory of known strutting grounds. Both agencies continue to identify and inventory additional strutting grounds and wintering areas as components of key sage grouse habitat.

Page IV-2, next to last paragraph: Change to show five miles of trail programmed for reconstruction or construction annually.

Page IV-30: Insert the following as the first three paragraphs in the column under Standards and Guidelines:

Key sage grouse habitat is defined as the portion of the habitat necessary to maintain and perpetuate the population. Included are winter ranges, breeding complexes, brood rearing areas, and water sources.

Project proposals that will alter identified key sage grouse habitat will be analyzed, on the ground, with the appropriate Nevada Department of Wildlife personnel per the Memorandum of Understanding between the Intermountain Region USDA Forest Service and the Nevada Department of Wildlife State of Nevada. The basis for project evaluation will be the current Forest land Management plan standards and guidelines, the Western States Grouse Management practices as outlined in Technical Bulletins and the Western States Sagegrouse Guidelines for habitat protection.

Inventory of key sage grouse habitat and its various components will occur as part of the analysis of all proposed projects with the potential to adversely affect habitat capability.

Page IV-32: Insert the following as the second paragraph in the column under Standards and Guidelines: In the absence of scorecards to define specific standards for vegetation condition, the minimum standard for satisfactory ecological condition is defined as either: 1) excellent or good range condition; or 2) fair range condition with an upward trend.

* Page IV-32: Under Standards and Guidelines, following the second paragraph, insert the following:

The District I.D. Team as supported by other resource specialists is responsible for determining Proper-use criteria. It is essential that the Team consider the full spectrum of resource needs and values. The following forage utilization values are presented by non-riparian (upland) and riparian categories. They are applicable to key species and areas.

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**SUPPLEMENT TO
FINAL ENVIRONMENTAL IMPACT STATEMENT
FOR
HUMBOLDT NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN**

Elko, Humboldt, Lincoln, Nye, and White Pine Counties, Nevada



Lead Agency: USDA, Forest Service

Responsible Official J. S. Tixier
Regional Forester
Intermountain Region

**For Further Information
Contact:** John P. Inman or
Jerry A. Davis
Humboldt National Forest
976 Mountain City Highway
Elko, NV 89801
Telephone: (702) 738-5171

Response: Under the terms and conditions of the grazing permit the Forest Officer in charge has the authority to take immediate action to prevent resource damage. The Forest has not established minimum forage consumption levels.

19. Comment: Utilization levels are a short term measurement and should not be used for long term trend.

Response: Utilization levels are monitored for short term as well as long term needs. *Key forage plant utilization is also used in long term monitoring to help interpret why vegetation and soils changes have taken place *(Nevada Rangeland Monitoring Handbook, Nevada Range Studies Task Group, 1984). Long term trend is usually monitored by frequency or other types of studies. A given utilization level is not the desired management goal. Utilization is a monitoring method employed to aid in the management of grazing use. The management objective is the desired future condition of the vegetation community.

* 20. Comment: Utilization standards should be set on an allotment by allotment basis considering the variability of soil, vegetation and climate.

Response: This is Forest Service direction and intent. In many instances it may be appropriate to set different standards for the various key areas that occur within an allotment. Ecological variables are considered when establishing a specific utilization level.

21. Comment: Riparian areas, because of recuperative powers should be able to sustain more utilization than uplands.

Response: This may be true unless the area is in a degraded condition and has lost it's ability to respond. Proper use values on a given riparian area must consider the needs of other dependant resource values. Forage utilization levels must enable the system to move toward the desired future condition.

22. Comment: Permittees should be allowed to have input into the allotment management plan and the management of resources on their allotments.

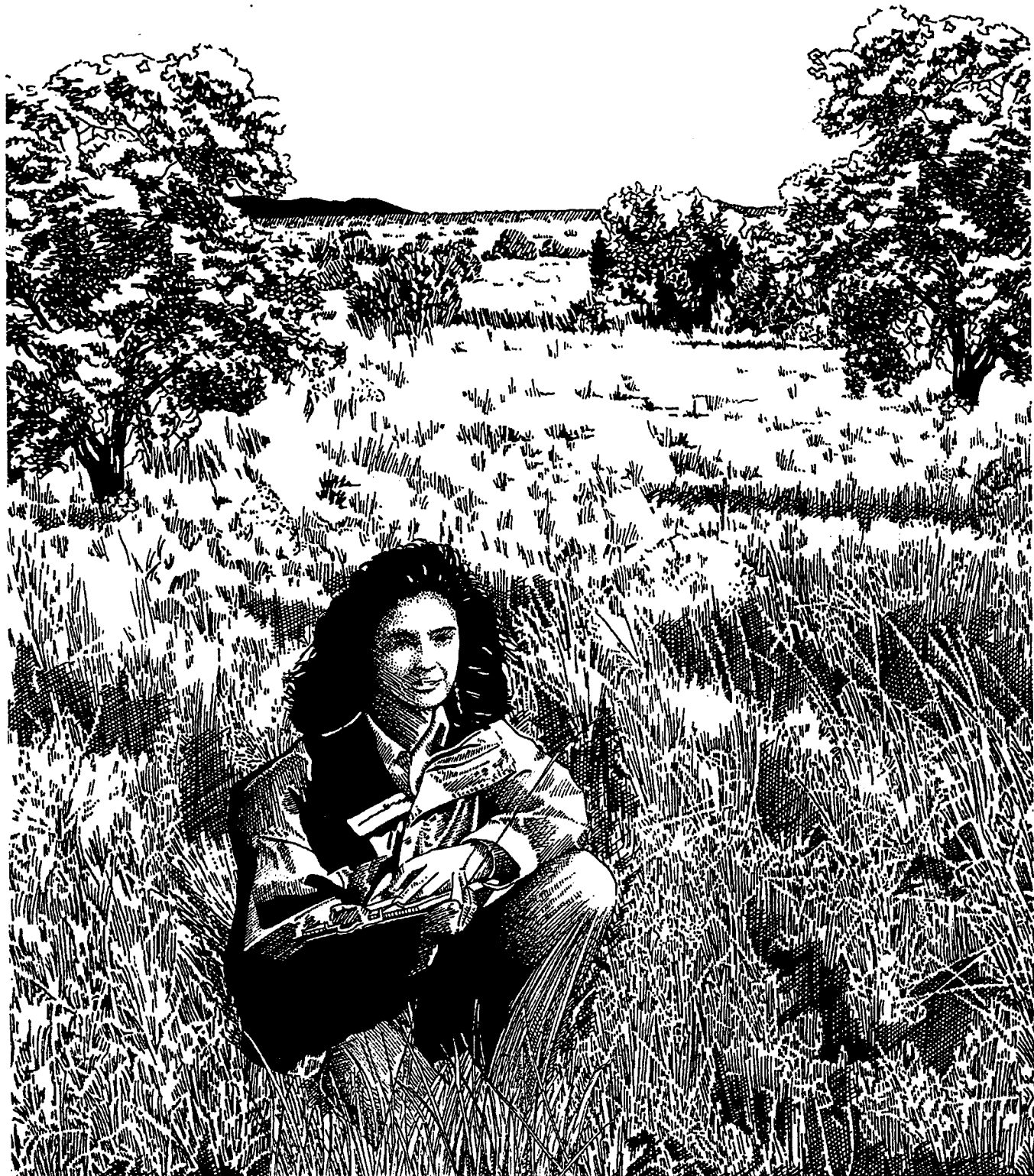
Response: We concur as this is Forest Service Policy. Full permittee participation and commitment is essential to quality management.

23. Comment: The categorization of riparian areas was based on subjective criteria.

Response: Forest Riparian areas are stratified into one of five management categories based on the following:

Q

UTILIZATION STUDIES AND RESIDUAL MEASUREMENTS



INTERAGENCY TECHNICAL REFERENCE

1 9 9 6

II. INTRODUCTION

Utilization data and residual measurements are important in evaluating the effects of grazing and browsing on rangeland. Utilization measures the percentage of annual herbage production that has been removed. It is generally the percentage of available forage (weight or numbers of plants, twigs, etc.) that has been consumed or destroyed. Utilization is expressed in terms of the current year's production removed. Residual measurement is the determination of herbage material or stubble height left. Residual measurements and utilization data can be used: (1) to identify use patterns, (2) to help establish cause-and-effect interpretations of range trend data, and (3) to aid in adjusting stocking rates when combined with other monitoring data.

Permittees, lessees, other rangeland users, and interested publics should be consulted and encouraged to participate in collecting and analyzing utilization and residual data. Those individual or groups interested in helping to collect data should be trained in the technique used in that specific management unit.

This document deals with the collection of utilization data and residual measurements. The interpretation of this data will be addressed in other documents.

Utilization data and residual measurements should not be used alone to determine stocking rates. Adjustment in stocking rates should also include trend data, climatic information, actual use data, and other information.

A. Terms and Concepts

1. Objectives

- a **Short-term Use of Utilization Data** In the short term, utilization data are considered with actual use and climate data to determine resource use levels and to identify needed adjustments in management actions. These same data can be used in the short term as the basis for adjusting grazing use by agreement or grazing decision.
- b **Long-term Use of Utilization Data** In addition to the above short-term objectives, utilization data are considered along with other monitoring data to determine if management actions or practices are achieving management objectives identified in the land-use, coordinated resource management, and activity plans.

* 2. **Utilization** Utilization is the proportion or degree of current year's forage production that is consumed or destroyed by animals (including insects). Utilization may refer either to a single plant species, a group of species, or the vegetation as a whole. Utilization is synonymous with use. This process requires a comparison of the amount of herbage left compared with the amount of herbage produced during the year.

* 3. **Seasonal Utilization** Seasonal utilization is the amount of utilization that has occurred before the end of the growing season.

INTRODUCTION

- Kind and/or class of forage animals - livestock, wildlife, wild horses, and wild burros
- Habits of the animals, including foraging
- Areas of animal concentration
- Location and extent of critical areas
- Erosion conditions
- Threatened, endangered, and sensitive species - both plant and animal
- Periods of animal use
- Grazing history
- Location of salt, mineral, and protein supplements
- Location of livestock, wildlife, wild horse, and/or wild burro trails

* 1. Critical Areas Critical areas are areas that should be evaluated separately from the remainder of a management unit because they contain special or unique values. Critical areas could include fragile watersheds, sage grouse nesting grounds, riparian areas, areas of critical environmental concern, etc.

* 2. Key Areas Key areas are indicator areas that are able to reflect what is happening on a larger area as a result of on-the-ground management actions. A key area should be a representative sample of a large stratum, such as a pasture, grazing allotment, wildlife habitat area, herd management area, watershed area, etc., depending on the management objectives being addressed by the study. Key areas represent the "pulse" of the rangeland. Proper selection of key areas requires appropriate stratification. Statistical inference can only be applied to the stratification unit.

a. Selecting Key Areas The most important factors to consider when selecting key areas are the management objectives found in land use plans, coordinated resource management plans, and/or activity plans. An interdisciplinary team should be used to select these areas. In addition, permittees, lessees, and other interested publics should be invited to participate, as appropriate, in selecting key areas. Poor information resulting from improper selection of key areas leads to misguided decisions and improper management.

b. Criteria for Selecting Key Areas The following are some criteria that should be considered in selecting key areas. A key area:

- Should be representative of the stratum in which it is located.
- Should be located within a single ecological site and plant community.
- Should contain the key species where the key species concept is used.
- Should be capable of, and likely to show, a response to management actions. This response should be indicative of the response that is occurring on the stratum.

c. Number of Key Areas The number of key areas selected to represent a stratum ideally depends on the size of the stratum and on data needs. However, the number of areas may ultimately be limited by funding and personnel constraints.

VI. GLOSSARY OF TERMS

A

actual use: a report of the actual livestock grazing use certified to be accurate by the permittee or lessee. Actual use may be expressed in terms of animal unit months or animal months.

allotment: an area of land designated and managed for grazing of livestock. Such an area may include intermingled private, State, or Federal lands used for grazing in conjunction with the public lands.

allotment management plan (AMP): a documented program which applies to livestock grazing on the public lands, prepared by consulting, cooperating, and coordinating with the permittee(s), lessee(s), or other involved affected interests.

analysis: (1) a detailed examination of anything complex in order to understand its nature or determine its essential features; or (2) a separating or breaking up of any whole into its component parts for the purpose of examining their nature, function, relationship, etc. (A rangeland analysis includes an examination of both biotic (plants, and animals) and abiotic (soils, topography, etc.) attributes of the rangeland.)

annual plant: a plant that completes its life cycle and dies in 1 year or less.

animal month: a month's tenure upon the rangeland by one animal. Animal month is not synonymous with animal unit month.

* **animal unit:** considered to be one mature cow of approximately 1,000 pounds, either dry or with calf up to 6 months of age, or their equivalent, based on a standardized amount of forage consumed.

* **animal unit month (AUM):** the amount of dry forage required by one animal unit for one month based on a forage allowance of 26 pounds per day.

available forage: that portion of the forage production that is accessible for use by a specified kind or class of grazing animal.

B

biomass: the total amount of living plants and animals above and below ground in an area at a given time.

browse: (1) the part of shrubs, half shrubs, woody vines, and trees available for animal consumption; or (2) to search for or consume browse.

browse plant or browse species: a shrub, half shrub, woody vine, or tree capable of producing shoot, twig, and leaf growth suitable for animal consumption.

H

half shrub: a plant with a woody base whose annually produced stems die each year.

herbaceous: vegetation growth with little or no woody component; nonwoody vegetation such as graminoids and forbs.

hedging: (1) the appearance of browse plants that have been browsed so as to appear artificially clipped; or (2) consistent browsing of terminal buds of browse species that results in excessive lateral branching and a reduction in upward and outward growth.

herbage: the above-ground material of any herbaceous plant (grasses and forbs).

I

interpretation: explaining or telling the meaning of something and presenting it in understandable terms.

inventory: the systematic acquisition and analysis of information needed to describe, characterize, or quantify resources for land-use planning and management of the public lands.

K

* **key area:** a relatively small portion of a rangeland selected, based on its location, use, or grazing value, as a monitoring for grazing use. It is assumed that key areas, if properly selected, will reflect the overall acceptability of current grazing management over the range.

* **key species:** (1) forage species whose use serves as an indicator to the degree of use of associated species. (2) those, species which must, because of their importance, be considered in a management program.

kind of livestock: species of domestic livestock—cattle, sheep, horses, burros, and goats.

M

monitoring: the orderly collection, analysis, and interpretation of resource data to evaluate progress toward meeting management objectives.

O

objective: planned results to be achieved within a stated time period. Objectives are subordinate to goals, are narrower and shorter in range, and have increased possibility of attainment. Time periods for completion and the outputs or achievements that are measurable and quantifiable, are specified. (See goal.)

overstory: The upper canopy or canopies of plants, usually referring to trees, shrubs, and vines.



shrub: a plant that has persistent woody stems and a relatively low growth habit, and that generally produces several basal shoots instead of a single bole. It differs from a tree by its low stature—less than 5 meters (16 feet)—and nonarborescent form.

shrubland: land on which the vegetation is dominated by shrubs. Nonforested lands are classified as shrubland if shrubs provide more than 20 percent of the canopy cover, excluding trees. Lands not presently shrubland that were originally or could become shrubland through natural succession may be classified as potential natural shrubland.

stratification: subdividing an area into units which are, more or less, internally homogeneous with respect to those characteristics of interest.

stubble: The basal portion of herbaceous plants remaining after the top portion has been harvested either artificially or by grazing animals.

succession: the orderly process of community change; it is the sequence of communities which replace one another in a given area.

successional community: (See seral community.)

successional stage: (See seral stage.)

T

tree: a woody perennial, usually single-stemmed plant that has a definite crown shape and characteristically reaches a mature height of at least 5 meters (16 feet). Some plants, such as oaks (*Quercus* spp.), may grow as either trees or shrubs.

trend: the direction of change in ecological status or in resource value ratings observed over time. Trend in ecological status is described as "toward" or "away from" the potential natural community or as "not apparent." Appropriate terms are used to describe trends in resource value ratings. Trends in resource value ratings for several uses on the same site at a given time may be in different directions, and there is no necessary correlation between trends in resource value ratings and the trend in ecological status.

U

understory: plants growing beneath the canopy of other plants. Usually refers to grasses, forbs, and low shrubs under a tree or shrub canopy.

unsuitable rangeland: rangeland which has no potential value for, or which should not be used for, a specific use because of permanent physical or biological restrictions. When unsuitable rangeland is identified, the identification must specify what use or uses are unsuitable (e.g., "unsuitable for cattle grazing").

use: (See utilization.)

useable forage: that portion of the forage that can be grazed without damage to the basic resources; may vary with season of use, species, and associated species.

GLOSSARY

* utilization: the proportion or degree of the current year's forage production that is consumed or destroyed by animals (including insects). The term may refer either to a single plant species, a group of species, or to the vegetation community as a whole. Utilization is synonymous with use.

V

vegetation: plants in general, or the sum total of the plant life above and below ground in an area.

vegetation type: a kind of existing plant community with distinguishable characteristics described in terms of the present vegetation that dominates the aspect or physiognomy of the area.

vigor: relates to the relative robustness of a plant in comparison to other individuals of the same species. It is reflected primarily by the size of a plant and its parts in relation to its age and the environment in which it is growing.

W

warm season species: plants whose major growth occurs during the spring, summer, or fall and that are usually dormant in winter.

wet meadow: a meadow where the surface remains wet or moist throughout the summer, usually characterized by sedges and rushes.

(X)



United States
Department of
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Natural
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National Range and Pasture Handbook

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Y

Orphan	An offspring whose mother has died.
Outcrop	The exposure of bedrock or strata projecting through the overlying cover of detritus and soil.
Oven-dry weight	The weight of a substance after it has been dried in an oven at 60 degrees for 48 hours.
Overgrazed range	Rangeland that has experienced loss of plant cover and accelerated erosion because of heavy grazing or browsing pressure.
* Overgrazing	<u>Grazing that exceeds the recovery capacity of the individual species or the plant community.</u>
Overland flow	Surface runoff of water following a precipitation event. See Runoff.
Overstocking	Placing a number of animals in a given area that will result in overuse if continued to the end of the planned grazing period.
Overstory	The upper canopy or canopies of plants. Usually refers to trees, tall shrubs, and vines.
Overuse	Utilizing an excessive amount of the current year's plant growth which, if continued, will result in deterioration.
Paddock	(1) One of the subdivisions or subunits of the entire pasture unit. (2) A relatively small enclosure used as an exercise and saddling area for horses, generally adjacent to stalls or a stable. Syn. pasture.
Palatability	The relish with which a particular species or plant part is consumed by an animal.
Pan (soils)	Horizon or layer in soils that is strongly compacted, indurated, or very high in clay content.
Partial budgeting	A limited budgeting procedure used to evaluate a proposed investment in an existing earning enterprise requiring only that additional costs and returns associated with the investment be considered. Results are often expressed in terms of an internal rate of return.
Pasture	(1) Grazing lands comprised of introduced or domesticated native forage species that are used primarily for the production of livestock. They receive periodic renovation and/or cultural treatments such as tillage, fertilization, mowing, weed control, and may be irrigated. They are not in rotation with crops. (2) A grazing area enclosed and separated from other areas by fencing or other barriers; the management unit for grazing land. (3) Forage plants used as food for grazing animals. (4) Any area devoted to the production of forage, native or introduced, and harvested by grazing.

Rodent control	Measures taken to reduce or control the rodent population of a given area. This may apply to a specific species or rodents in general.
Rodenticides	Poisons used to control rats, mice, and other rodents.
Roller conditioner	A machine that uses intermeshing and nonintermeshing steel or rubber rollers to crush and crack stems of cut legume forages. It was developed for use on legume hay crops to speed drying without shattering leaves.
Rotary mower	A power takeoff driven machine that cuts and shreds plants with a horizontal revolving blade held underneath a metal shroud.
Rotation fertilization method	Some nutrients are added in higher amounts than needed for the current crop in the crop rotation. They are later drawn down by a following crop to keep all nutrient levels within acceptable soil loading levels. Often, it expedites manure spreading and utilization of its nitrogen content.
Rotation grazing	A type of grazing system and involves moving grazing animals from one pasture to another to achieve a desired management objective.
Rough	(1) The accumulation of mature living and dead vegetation, especially grasses and forbs on rangeland. (2) May refer to land surface with uneven terrain.
Roughage	Plant materials containing a low proportion of nutrients per unit of weight. Generally bulky and coarse, high in fiber, and low in total digestible nutrients. Roughage may be classed as either dry or green.
Roundup	The purposeful gathering of animals from a specific area.
Ruderal	A plant inhabiting disturbed sites.
Rumen	The large, first compartment of the stomach of a ruminant from which ingestion is regurgitated for re-chewing and in which digestion is aided by symbiotic action of microbes.
Ruminant	Even-toed, hoofed mammals that chew the cud and have a 4-chamber stomach; i.e., ruminantia.
Runoff	The movement of water from a watershed including both surface and subsurface flow, usually expressed in acre-feet of water yield.
* <u>Sacrifice area</u>	(1) A portion of the range, irrespective of site, that is <u>unavoidably overgrazed to obtain efficient overall use of the management area</u> . The area is generally a small area adjacent to a feed trough, water trough, gate, etc. (2) A fenced-off, small portion of a grazing management unit intentionally overgrazed and heavily trafficked to prevent lasting damage to the entire unit. This is only done for short periods during extreme weather conditions. Site is then deferred from grazing until it recovers (includes reseeding if necessary).