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**File Code:** 2230  
**Date:** June 16, 2016

Denis Kowitz  
171 N Highway 77  
Declo, ID 83323

Dear Denis,

This letter serves as your 2016 Annual Operating Instructions (AOI) for the Cape Horn Allotment and is part of your term grazing permit #30062 identified as Forest Officer instructions in Part 1, Clause 3 and Part 2, Clause 8.

A letter of suspension for a portion of your Term Grazing Permit was sent to you on September 24, 2013 for failure to adhere to the terms and conditions of your grazing permit. As a result of this non-compliance, your permitted grazing season between August 10 and October 1 was suspended for the 2014, 2015, and 2016 grazing seasons.

You adhered to the Annual Operating Instructions in 2014 and 2015, and removed your sheep from the Cape Horn Allotment by August 10 each of those years. The terms and conditions of the Biological Opinion were met during these years, which was the District Ranger's intention in suspending part of the permitted grazing season. In issuing and implementing all Annual Operating Instructions, compliance with the Biological Opinion is paramount.

In our May 10, 2016 AOI meeting, you requested to graze 500 ewe/lambs from June 20, 2016 to September 20, 2016. In order to meet this request, the Swamp Creek, Knapp Creek, Beaver Creek, and Valley Creek units cannot be used after August 10 since these units contain threatened fish species, designated critical habitat, occupied habitat, and/or spawning habitat. In contrast, of the units I am authorizing for use in 2016, only Upper Marsh Creek contains some of these habitats. I have reviewed the authorized rotation, practices, and dates, and have found them to be compliant with the Biological Opinion.

In authorizing this request I have taken into account your recent past performance and the likelihood of compliance with the Biological Opinion. **I am willing to issue these Annual Operating Instructions with your understanding that if you cannot follow them, you will be asked to leave the allotment at that time.**

There may be situations during the grazing season which require changes to these instructions such as early achievement of allowable use standards or unit rotation changes related to wildfire or other management needs. However, I am instructing the following three items, in advance of the season:

- **No changes in the management of Upper Marsh Creek Unit will be entertained.**
- **If changing unit move dates becomes necessary, or if you cannot comply with any part of these instructions, contact Barry Dopp, to obtain approval before initiating changes or deviating from these instructions.**



- Any extension of dates will not be authorized.

**Term Permitted Use**

Permittee	Allotment	No. and Class	Season of Use	Head Months
Kowitz	Cape Horn	2,050 ewe/lamb	06/20– 10/01	7,009
Kowitz	Cape Horn	2 horses <sup>1</sup>	06/20 –10/01	N/A

<sup>1</sup>Pack and saddle stock used for management of livestock

**2016 Authorized Use**

Permittee	Allotment	No. and Class	Season of Use	Head Months
Kowitz	Cape Horn	500 ewe/lamb	06/20– 09/21	1479

**2016 Unit Schedule**

The dates below depend on meeting allowable use standards. However, there are three “hold-fast” dates required by you this year:

- Initiate livestock movement so that all livestock are completely removed from Upper Marsh Creek Unit by **July 20, 2016**.
- Sheep must not ford Marsh Creek before July 7.
- Initiate livestock movement so that all livestock are completely removed from the Forest no later than **September 21, 2016**.

Unit	No. And Class	On-Date	Off-Date
Vader Creek	500 ewe/lamb	06/24	07/03
Upper Marsh	500 ewe/lamb	07/04	07/20
Dry Creek Unit	500 ewe/lamb	07/21	09/19
Asher Corrals	500 ewe/lamb	09/20	09/21

**Additionally, you and your herder must follow these details relative to management of your band:**

1. Sheep will be trailed from the Vader Creek unit on the southwest side of Highway 21 to the Upper Marsh Creek unit by crossing the highway.
2. Once the sheep are in the Upper Marsh Creek Unit they must stay between the highway and Marsh Creek until July 7. While they are on the highway side of Marsh Creek, they must water above Vader Creek.
3. It is expected that the sheep will need to ford Marsh Creek to use the rest of the Upper Marsh Creek Unit. Sheep must not ford Marsh Creek until after July 7. All sheep must cross Marsh Creek **above the Vader Creek confluence with Marsh Creek**.
4. When all sheep are on the northeast side of Marsh Creek, they may graze downstream to the confluence with Kelly Creek, near the private land. Most of the watering will be off and away from Marsh Creek during the remainder of this time in Upper Marsh Creek Unit.
5. On or before September 20, the permittee will trail sheep from the Dry Creek Unit to Asher Corrals using road # 203 (the Cape Horn road). In moving the sheep to Asher

Corrals, Knapp Creek must be crossed. **For this crossing, the vehicle bridge on the #203 (Cape Horn) road must be used. No sheep are allowed in Knapp Creek.** The ewes are allowed to graze around and water at the corrals for up to 24 hours at any time prior to September 21. **No sheep are allowed in Knapp Creek during this period.**

**Allowable Use**

It is your responsibility to be aware of, and to recognize, utilization and streambank alteration allowable use standards. Regardless of the Unit Schedule shown above, you must move your livestock to the next unit planned or off the allotment prior to exceeding these standards. Part 3 of your term grazing permit identifies these allowable use standards; see the table below for standards applicable to this year. Once livestock are removed from a unit in accordance with allowable standards and/or unit scheduling, they are not allowed to return. Use of riparian areas needs to be carefully monitored by you to know when it is time to move livestock to the next unit and to avoid exceeding standards. Do not rely on Forest Service range personnel to notify you when it is time to move.

**Allowable Use Standards**

Unit	Indicator	Standard
Dry Creek	Greenline	≥ 4"
	Bank Alteration	≤ 15%
	Woody Browse	≤ 30%
Vader Creek	Greenline	≥ 4"
	Bank Alteration	≤ 15%
	Woody Browse	≤ 30%
Swamp Creek	Greenline	≥ 6"
	Bank Alteration	≤ 15%
	Woody Browse	≤ 30%
Beaver Creek	Greenline	≥ 6"
	Bank Alteration	≤ 15%
	Woody Browse	≤ 30%
Knapp Creek	Greenline	≥ 6"
	Bank Alteration	≤ 15%
	Woody Browse	≤ 30%
Upper Marsh	Greenline	≥ 6"
	Bank Alteration	≤ 15%
	Woody Browse	≤ 30%
Valley Creek	Greenline	≥ 6"
	Bank Alteration	≤ 15%
	Woody Browse	≤ 30%

**Biological Assessment/Opinion Requirements**

The conservation measures below are reflected in the grazing system, standards, and guidelines outlined in this AOI.

The 2010 Biological Assessment prepared by the Forest Service and the 2010 Biological Opinions from National Marine Fisheries Service and US Fish and Wildlife Service list the following conservation measures:

1. This allotment will have full time herders with sheep at all times.
2. Sheep will not cross Knapp Creek except on the vehicle bridge on #203 (Cape Horn) road.
3. Sheep will not cross Marsh Creek, from the Marsh Creek/Knapp Creek confluence upstream (approximately one mile) to the Marsh Creek/Vader Creek confluence.
4. Sheep will not bed within 300 feet of any perennial stream.
5. Sheep will not bed in the same location more than one night.
6. This allotment will be managed as a once-over-grazing scheme where animals will only graze an area or site once during the grazing season.
7. No livestock grazing will occur at any time in 2016 within the Marsh Creek Lower Fish Protection, Upper Marsh Creek Fish Protection, Cape Horn Fish Protection, Swamp Creek, Knapp Creek, Beaver Creek, and Valley Creek Units.

### **Range Improvements**

All range improvements listed as your responsibility in Part 3 of your term grazing permit must be maintained to the standards identified in Part 3 prior to livestock being placed in each unit. No ground disturbing activities or new construction should be conducted on the Forest by you or any of your personnel without prior approval from the District Ranger. Materials for reconstruction **may** be provided by the Forest Service as funding allows. Provision of materials for normal annual maintenance is your responsibility.

### **Permittee's Management Responsibilities**

1. Turnout of livestock prior to confirmation of payment is a violation of Part 2, Clause 3 of your term grazing permit. The grazing fee for 2016 is \$2.11 per head month. Payment of your grazing Bill for Collection is due ten days prior to your earliest turnout date, to allow time for processing. You may make payment in one of three ways:

Mail your payment to:

USDA Forest Service  
C/O Citibank  
P.O. Box 301550  
Los Angeles, CA 90030-1550

You must include the Bill Number and Payer Code number on your check.

Or, pay your bill online at: [WWW.FS.FED.US/BILLPAY](http://WWW.FS.FED.US/BILLPAY). Save your receipt of payment.

Or, pay your bill between the hours of 8:00 am and 4:30 pm at any Ranger District office or the Public Lands Center located in Salmon. Please bring a copy of your bill with you.

2. The Salmon-Challis Travel Management Record of Decision was signed December 24, 2009. With the issuance of this decision, all roads and trails designated for motorized use are shown on a motor vehicle use map (MVUM). Motor vehicle use maps may be obtained at any Salmon-Challis Ranger District office. These prohibitions on motor vehicle use will not apply to motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulation (as detailed in 36 CFR 261.13; 36 CFR 212.51a). **The Salmon-Challis National Forest requires a Vehicle Use Permit, signed by the District Ranger, for ALL closed roads or off road travel. This permit must be displayed in the windshield of trucks or carried on ATVs, UTVs, and motorcycles. Complete and return the enclosed Vehicle Use Permit if it is necessary for you to travel on closed roads or off-road in the administration on your allotment.**
3. Consistent with the Noxious Weed Free Hay Order, any hay or straw that is brought onto National Forest System lands needs to be State-certified weed free. I am requesting that you be a pro-active partner in the prevention of noxious weeds on your allotment. All equipment which is used for approved travel off of open roads should be free of noxious weeds and their seeds prior to coming onto National Forest System lands.
4. Return your completed actual use form (enclosed) to Barry Dopp by December 1, 2016. Please note on the second page our request for your priority reconstruction needs. The Forest Service uses this record to help allocate range betterment funds, which are used to purchase materials for new improvement projects and improvement reconstruction. Actual use is required annually by the United States Fish and Wildlife Service and the National Marines Fisheries Service, so your diligence in accurately completing the form is appreciated.
5. If the ownership of the livestock or the base property listed on your permit is about to change, please notify your Rangeland Management Specialist promptly.
6. No livestock grazing will occur at any time within the Marsh Creek Lower Fish Protection, Upper Marsh Creek Fish Protection, and Cape Horn Fish Protection units. No livestock grazing is authorized or will occur in Swamp Creek, Valley Creek and Beaver Creek units.
7. Dead livestock must be moved at least 100 yards from water, roads, and trails.
8. With multiple-uses on the forest, gates are often left open and livestock stray into the wrong pasture. We realize this is a problem and an inconvenience. However, it is still your responsibility to keep your animals in the proper unit. Livestock found in the wrong units or allotments should be returned immediately to the correct pasture. Routine checks need to be made by you and/or your rider.
9. Compliance with all terms of your grazing permit is required. These annual operating instructions are not meant to be stand-alone or all inclusive.
10. Camps may be placed and removed using a motor vehicle for the minimum necessary to accomplish this. Routine motorized vehicle use between the camp and a designated route is not authorized.

**Other Considerations**

Please immediately report wildfire to the Central Idaho Interagency Dispatch Center at (208) 756-5157.

We may conduct range inspections during the grazing season to check maintenance of range improvements, allowable use standards, and compliance with this year's grazing rotation. You are welcome to participate in these inspections; please contact Barry Dopp if you would like to join Forest range staff when monitoring is conducted on your allotment.

Please share your knowledge of known noxious weed infestations with your Rangeland Management Specialist.

If you have any questions regarding these annual operating instructions, please contact Barry Dopp, Rangeland Management Specialist, at (208) 879-4100. We look forward to working with you this grazing season.

Sincerely,

*Daniel H. Bartel acting for*

ELIZABETH A. TOWNLEY  
Middle Fork District Ranger

Enclosures:

- 2016 Bill for Collection
- Vehicle Use Permit
- Actual Use Report