

File Code: 2210/2230

Date:

Clay A. Jones
HC 82, Box 4019
Challis, ID 83226

Clay,

The following letter will document your meeting with Ingrid Drieling, and Kaden Piva and yourself on May 5th, 2014 and will serve as your Annual Operating Instructions (AOI) on the Forney C&H Allotment for the 2014 grazing season. The authorized use for Forney C&H Allotment for cattle with the  and  brands, will be as follows:

Permitted Use:

<u>Allotment</u>	<u>Permittee</u>	<u>Number/Class</u>	<u>H.M.</u>	<u>Dates</u>
Forney C&H	Clay A. Jones	134 c/c	670	6/1-10/30
	Kaden Piva	132 c/c	660	6/1-10/30

Authorized Use for the 2014 Grazing season

<u>Allotment</u>	<u>Permittee</u>	<u>Number/Class</u>	<u>H.M.</u>	<u>Dates</u>
Forney C&H	Clay A. Jones	132 c/c	670	6/1-10/30
	Kaden Piva	120 c/c	660	6/12-10/30

<u>Allotment</u>	<u>Unit</u>	<u>Number/Class</u>	<u>H.M.</u>	<u>Dates</u>
Forney C&H	Eastside/Moyer	252 c/c	837	6/1-9/9
	Westside Panther (to wean)	252 c/c	75	9/10-9/18
	Eastside	252 c/c	99	9/19-9/30
	Westside	252 c/c	249	10/1-10/30
	Holding Pasture	-	N/A	Rest
	Riparian Pasture	-	N/A	Incidental Use

Only cattle with the  and  brands are authorized to graze on the Forney C&H allotment. The Annual Operating Instructions are made part of your Term Grazing Permit as per Part 2, item 8(a) of the General Provisions and Regulations. Situations may develop during the grazing season which requires changes to these instructions. If this becomes necessary, or if

you cannot comply with some part of these instructions, contact Ingrid Drieling and obtain approval before initiating changes or deviating from these instructions. Changes can be made based on resource objectives, provided the changes are first approved and documented by an authorized officer.

The dates listed in the authorized use section may vary based on management needs or range readiness and proper use standards. If a change is necessary, please notify Ingrid Drieling at (208)768-2516 as soon as you are aware of the need for changes in the planned use schedule. Any extension of use beyond the dates listed on your permit will not be authorized.

Allowable Use

The allowable use standards for the Forney C&H allotment are listed below. It is your responsibility to monitor utilization levels and to move your livestock to the next unit planned or off the allotment when the standards have been met. If you need assistance determining utilization levels please contact Ingrid Drieling and she will assist you. Cattle removed from a unit after utilization levels have been reached are not allowed to return to the unit. The Forest Service is responsible for monitoring your compliance with allowable use standards.

Forney C&H Allowable Use

Unit – Creek Key Area	Monitoring Attribute	Annual Use Indicator	Key Species	Trigger
Moyer Unit – Moyer Creek MIM M213RE	Browse Use	50%	Willow	45%
	Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
	Bank Alteration	<15% before July 14 th After July 14 th 15%	N/A	
Moyer Unit – Moyer Creek MIM M213	Browse Use	50%	Willow	45%
	Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
	Bank Alteration	<15% before July 14 th After July 14 th 20%	N/A	15%
Riparian Pasture – Panther Creek MIM M217 (Not Grazed)	Browse Use	N/A	N/A	N/A
	Greenline Stubble	N/A	N/A	N/A
	Bank Alteration	N/A	N/A	N/A
Westside Unit – 4 th of July MIM M231	Browse Use	50%	Willow	45%
	Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
	Bank Alteration			
Westside Unit – Porphyry Creek MIM M221	Browse Use	50%	Willow	45%
	Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
	Bank Alteration	10%	N/A	5%
Holding Pasture – Panther Creek	Browse Use	50%	Willow	45%
	Greenline Stubble	6 in.	<i>Hydric spp.</i>	5 in.
	Bank Alteration	<15% before July	Upland grass	45%

		14 th After July 14 th 20%	species	
Uplands	Utilization by Key species	50%	Upland grass species	45%

The Biological Assessment for the **Forney C&H** Allotment laid out the following measures to be implemented to reduce potential impacts to ESA listed fish. The measures are as follows:

1. A deferred-rest rotation grazing system will continue to be used to provide benefits to riparian vegetation and help meet long-term riparian resource objectives for greenline successional status.
2. The on-date will be varied so that livestock will be placed on the Allotment at range readiness to reduce potential for streambank alteration and help meet long-term riparian resource objectives for streambank stability.
3. Permittees will continue to salt at least one-fourth mile away from creeks to help to reduce potential impacts on spawning areas and designated critical habitat.
4. Permittees will continue to distribute livestock away from streams and associated riparian areas to help reduce potential impacts on spawning areas and designated critical habitat. Fences, water developments, and riding will be used in concert to reduce livestock use on streams and their associated riparian areas.
5. Until such time as internal Panther Creek corridor fencing is completed within the Holding Pasture, survey of Panther Creek stream reaches within the Holding Pasture will be conducted prior to implementation of gathering operations to identify any completed seasonal Chinook salmon or bull trout redds within the reach. Temporary fencing will be installed in the Holding Pasture Unit around any Chinook salmon or bull trout redds identified through stream survey prior to livestock entry, to avoid impacts during end of season gathering. If more than ten redds are found within the Holding Pasture reach, livestock weaning operations will instead be conducted within the West Side Panther Unit, utilizing temporary corrals.
6. At the time of preparation of this BA, the east side of Panther Creek within the Riparian Pasture of the Forney Allotment is unfenced. While under the proposed grazing action, livestock would not be expected to be in this area of the allotment until the second half of the grazing seasons, there is currently no mechanism to prevent livestock access to Panther Creek should livestock enter this area. Temporary fencing will therefore be installed along the east side of Panther Creek in the Riparian Pasture prior to livestock being in adjacent areas of the East Side Panther Creek Unit in 2012. Permanent fencing of this area is scheduled for implementation prior to livestock use of adjacent areas during the 2013 grazing season.
7. If 2012 MIM monitoring conditions indicate a need for adjustment of indicators or triggers as identified in Section 3.2.6, those changes will be implemented immediately during the grazing season, with a revision of the Annual Operating Instructions.

USFWS BIOLOGICAL OPINION

The USFWS Biological Opinion for the **Forney C&H** Allotment identified Terms and Conditions to meet Reasonable and Prudent Measures (pg. 30-31 USFWS 2012). The following are the Reasonable and Prudent Measures and subsequent Terms and Conditions. Should you have any questions regarding these please contact Ingrid for further explanation.

"C. Reasonable and Prudent Measures

The Service believes that the following Reasonable and Prudent Measures are necessary and appropriate to minimize impacts of incidental take of bull trout.

Reasonable and Prudent Measure 1- The Forest shall report on the number or extent of bull trout redds trampled by livestock on the Allotment.

D. Terms and Conditions

Term and Condition 1 for Reasonable and Prudent Measure I.

The Forest shall conduct monitoring and reporting of incidental take as follows. By March 1 of each year for the term of the proposed action, the Forest shall submit a completed form (see Appendix C) summarizing grazing results for the previous grazing year and the results of redd surveys for that year to the Field Supervisor of the Service's Eastern Idaho Field Office in Chubbuck, Idaho. The Forest shall survey a representative stream reach in the allotment that is grazed for longer than a week after August 15 to document any impacted bull trout redds. The following survey protocol shall be followed:

- The Forest shall use a trained observer(s) to conduct a focused survey of a 1,000-meter segment in at least one bull trout stream in the Allotment. That survey stream should be the stream with the highest likelihood of having bull trout redds or one that is known to have had such redds in the past. The surveyed segment should include the best spawning habitat in the stream.
- The surveys shall be conducted when the likelihood of observing bull trout redds present in the stream that have been impacted by livestock is the greatest.
- The Forest shall record the location of the survey area, and the number of bull trout redds encountered, an estimate of the linear distance of suitable spawning habitat in the survey segment, and the number of redds impacted by grazing activities.

Changes to the above protocol can be made, as appropriate, in coordination with and the approval of the Service."

NMFS BIOLOGICAL OPINION

The NMFS Biological Opinion for the **Forney C&H** Allotment identified Terms and Conditions to meet Reasonable and Prudent Measures (pg. 53-58 NMFS 2012). The following are the Reasonable and Prudent Measures and subsequent Terms and Conditions. Should you have any questions regarding these please contact Ingrid for further explanation.

"The RPMs are nondiscretionary measures, to avoid or minimize the impact of take, that must be carried out by cooperators for the exemption in section 7(o)(2) to apply. The SCNF has the continuing duty to regulate the activities covered in this incidental take statement where discretionary Federal involvement or control over the action has been retained or is authorized by law. The protective coverage of section 7(o)(2) will lapse if the SCNF fails to exercise its discretion to require adherence to terms and conditions of the incidental take statement, or to exercise that discretion as necessary to retain the oversight to ensure compliance with these terms and conditions. Similarly, if any applicant fails to act in accordance with the terms and conditions of the incidental take statement, protective coverage will lapse.

NMFS believes that full application of conservation measures included as part of the proposed action, together with use of the RPMs and terms and conditions described below, are necessary and appropriate to minimize the impact of incidental take of listed species due to completion of the proposed action.

The SCNF shall:

1. Minimize the potential for incidental take resulting from trampling of Snake River Basin steelhead redds.
2. Minimize the potential for incidental take resulting from trampling of Snake River spring/summer Chinook salmon redds.
3. Ensure completion of a monitoring and reporting program to confirm that the terms and conditions in this ITS are effective in avoiding and minimizing incidental take from permitted activities and ensure incidental take is not exceeded.

2.8.4. Terms and Conditions

1. To implement RPM # I , the SCNF shall ensure that:
 - a. The proposed action, including all described conservation measures, monitoring, and adaptive management processes, is implemented as described in the BA and proposed action section of this Opinion.

- b. The extent of incidental take is not exceeded by ensuring streambank alteration levels along streams where Snake River Basin steelhead redd trampling is expected to occur (West Side Panther and East Side Panther Units), does not exceed the following levels at any time during the identified Snake River Basin steelhead incubation period for the action area (March 15 to July 14):
 - i. 10% in Units where streambank stability conditions are less than 75% of the identified RMO for that Unit;
 - ii. 15% in Units where bank stability conditions are 75% to 99% of the identified RMO for that Unit;
 - iii. 20% in Units where the bank stability RMO is being met.

- c. Each Unit with potential Snake River Basin steelhead redd trampling contains at least one DMA, that is also located in an area where the risk of cattle trampling of redds exists.
 - i. Definitions for DMA shall be the same as described in the SCNF's March 10, 2010, BA.
 - ii. Appropriately trained SCNF or contract staff will monitor streambank alteration levels, using the same protocols identified in the proposed action, at each Unit's DMA. The monitoring shall occur within 2 weeks of moving cattle off each Unit.

- d. To further reduce redd trampling potential, especially along Moyer Creek within the East Side Panther Unit, the SCNF shall implement one or more of the following:
 - i. Immediately trigger the proposed adaptive management process (Appendix A) if streambank alteration at the end of the Snake River Basin steelhead incubation period (July 14) is: (1) > 5% when bank stability is less than 75% of the RMO; (2) >10% when bank stability is 75% to 99% of the RMO; or (3) >15% when the bank stability RMO is being met.
 - (1.) Once, triggered, the adaptive management strategy shall be used to further reduce the potential for cattle/steelhead redd interactions, including but not limited to adjusting in-season move-triggers, season of use, cattle numbers, and/or implementation of additional minimization/avoidance measures.

- ii. Construct additional enclosures and/or annually install temporary electric fencing along steelhead spawning habitat along Moyer Creek in the East Side Panther Unit.
 - iii. Delay turnout of livestock into East Side Panther Unit until after July 14 to avoid the steel head incubation period in Moyer Creek.
- e. The Allotment permittee or their employees receive training to appropriately implement the move triggers identified in the proposed action.
- f. Annual meetings are conducted with the permittee to discuss specific actions necessary to protect vulnerable spawning areas in stream reaches with the most potential for cattle interaction with Snake River Basin steelhead spawning fish and/or redds (i.e., Moyer Creek).
- g. Frequent (twice per week) riding is implemented whenever cattle are grazing along Moyer Creek during the Snake River Basin steelhead incubation period (March 15 to July 14). Intent of riding will be to reduce cattle use with in and adjacent to potential Snake River Basin steelhead spawning habitats along this reach.
- h. Riders take all practicable measures to keep cattle on established crossings during trailing operations between Units and on/off the Allotment.
- i. All exclosures, drift fences, and water developments that reduce cattle use adjacent to streams with ESA-listed fish species are properly maintained and functioning as intended.
- j. Turnout dates, move triggers, and annual use indicators, as well as responsible parties, are outlined in the AOI to the permittee.

2. To implement RPM #2, the SCNF shall ensure that:

- a. Complete proposed permanent fencing along the Riparian and Holding Pastures where the majority of Chinook spawning occurs within the Allotment boundaries no later than July 31, 2013. If unforeseen delays occur during the NEPA process the SCNF will notify NMFS and will continue to employ the use of temporary fences along the Riparian and Holding Pastures until permanent fences are complete.
- b. Inspect fences around redds in the Holding Pasture every third day until livestock are removed from the Holding Pasture and until permanent fencing is installed to exclude livestock from this stream reach. Remove temporary fencing from around redds once livestock have been removed from the Holding Pasture.

- c. The amount of incidental take is not exceeded by conducting salmon redd surveys to ensure trampling does not exceed one redd in Year 1 along Moyer Creek, or one redd in Year 2 of the grazing rotation (one in Moyer or one in Musgrove Creek), or at any time when grazing occurs during the identified Chinook salmon spawning and incubation period for the action area (i.e., any grazing from August 21 to April 30 of the following year).
- d. Redd trampling along any other stream reaches (i.e. Fourth of July Creek and Cabin Creek drainages) within the Allotment has not been identified or analyzed as part of the proposed action and if documented would be a trigger for reinitiation.
- e. Redd surveys shall be conducted once per week along the 0.25 mile reaches of suitable spawning habitat in Moyer, Musgrove, and Porphyry Creeks (0.13 miles) when these areas are grazed after August 21 , and ending after cattle have been removed from each Unit. These surveys will be used to verify redd densities used to estimate take in this Opinion are valid and the SCNF has not exceeded authorized take levels.
- f. To further reduce redd trampling potential within mainstream Moyer and Musgrove Creeks, the Chinook salmon redds found during redd surveys shall be flagged, and temporary electric fencing shall be used to protect redds where cattle appear to have access to stream segments including those redds. The fencing shall be maintained on the Unit until cattle are removed from the Unit at the end of the grazing season.
- g. The Allotment permittee or their employees receive training to appropriately implement the move triggers identified in the proposed action.
- h. Annual meetings are conducted with the permittee to discuss specific actions necessary to protect vulnerable spawning areas in stream reaches with the potential for cattle interaction with Snake River Basin Chinook salmon spawning fish and/or redd (Moyer, Musgrove, and Porphyry Creeks).
- i. Frequent (twice per week) riding is conducted, whenever cattle are grazing along Musgrove, Moyer, and Porphyry Creeks during the Chinook salmon spawning and incubation period (August 21 through April 30 of the following year). Intent of riding will be to reduce cattle use within and adjacent to potential Snake River Chinook spawning habitats in these stream reaches.
- j. Riders take all practicable measures to keep cattle on established ford crossings during trailing operations between Units and on/off the Allotment.
- k. All exclosures, drift fences, and water developments that reduce cattle use adjacent to streams with ESA-listed fish species are properly maintained and functioning as intended.

- I. Turnout dates, move triggers, and annual use indicators, as well as responsible parties, are outlined in the AOI to the permittee.

3. To implement RPM #3 (monitoring and reporting), the SCNF shall ensure that:

- a. The DMA or MIM on each Allotment Unit annually authorized for use is annually monitored to determine compliance with all identified annual use indicators identified in the proposed action. The report shall also identify any modifications management strategy.
- b. An end-of-year report is available to NMFS by March 1 of each year. The following shall be included in the report:
 - i. Overview of proposed action and actual management (livestock numbers, on-off dates for each Unit, etc.).
 - ii. Date and location of any specific SCNF implementation monitoring data collected, including monitoring required under term and conditions 1 and 2 above.
 - iii. Results from all implementation and effectiveness monitoring identified as part of the proposed action and this Opinion, including required annual use indicator monitoring (e.g., stubble height, riparian shrub utilization, streambank alteration), photo point monitoring, seral condition, streambank stability, water temperature, sediment, and W:D.
 - iv. Discussion of any unauthorized use and/or any maintenance issues related to fences or water developments.
 - v. Brief review of Allotment management and compliance successes and failures.
 - vi. Any relevant information that becomes available regarding Snake River Basin steelhead or spring/summer Chinook salmon habitat trends and/or spawning locations that would modify the assumptions made in this Opinion or result in effects not considered.
 - vii. A clear description of compliance with the terms and conditions contained in this ITS.
 - viii. Any management recommendations for subsequent years.
- c. Submit post-project report to:

Idaho State Director

Habitat Conservation Division
National Marine Fisheries Service
Attn: 2012/02643
10095 W Emerald St.
Boise, ID 83704

- d. NOTICE: If a sick, injured or dead specimen of a threatened or endangered species is found in the project area, the finder must notify NMFS through the contact person identified in the transmittal letter for this Opinion, or through Idaho State Habitat Office action may worsen the fish's condition before NMFS can be contacted, the finder should attempt to move the fish to a suitable location near the capture site while keeping the fish in the water and reducing its stress as much as possible. Do not disturb the fish after it information: (1) NMFS consultation number; (2) the date, time, and location of discovery; (3) a brief description of circumstances and any information that may show the cause of death; and (4) photographs of the fish and where it was found. NMFS also suggests that the finder coordinate with local biologists to recover any tags or other relevant research information. If the specimen is not needed by local biologists for tag recovery or by NMFS for analysis, the specimen should be returned to the water in which it was found, or otherwise discarded."

Range Improvements

Range improvements listed in part three of your grazing permit must be maintained prior to livestock entering the allotment.

Part 2, Section 8(i) of your term grazing permit states:

"This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage."

The following improvements for the **Forney C&H** Allotment were discussed in the meeting:

A permanent fence will be constructed where the electric fence in the Riparian pasture has been in the past. Ingrid will coordinate when that will be constructed.

The trough at Cabin Creek tends to get low on water in the fall and therefore the Westside unit may not be able for use directly after weaning.

The braces at the cattle guard at the top end of Moyer Creek need replaced.

The Trough in Moyer Creek needs to be replaced. Ingrid will provide the information with the FS specifications for fiberglass troughs. The RMS or their seasonal employees will bring materials to Moyer Guard Station.

Should Orville's corrals not be available at weaning time, temporary corrals will need to be set up to wean and gather outside of the Holding Pasture.

The permittees have been tasked with designing a 3-5 year maintenance plan for improvements that need to be replaced.

General Management

No livestock in Moyer creek after September 15th.

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 motor vehicle use map (MVUM). As detailed in 36 CFR 261.13; 36 CFR 212.51a the prohibitions on motor vehicles use will not apply to motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulation. ATVs may be used off of designated routes for improvement maintenance prior to livestock entering Forest lands. This means, once livestock are on the allotment, ATV use off designated routes should be limited to the unit cattle are currently in and the unit scheduled to be grazed next only for managing your livestock and/or maintaining improvements.

Dead livestock must be moved at least 100 yards from water, roads, and trails. Place salt at least ¼ mile from water sources and in areas lightly grazed to encourage an even distribution of utilization on the range. In situations where terrain does not allow proper placement of salt, please contact Ingrid and she will determine a suitable location with your input.

Invasive weeds are becoming a serious threat to the welfare of our rangelands. Your assistance is needed to identify new outbreaks of weed populations and to prevent the establishment of weeds on the forest. Pay particular attention to areas where stock are concentrated such as loading/unloading areas, water developments, and salting areas. We have implemented a Noxious Weed Free Hay order on our Forest. This will require any hay that is brought onto the National Forest to be certified free from noxious weeds. All livestock entering the National Forest are recommended to be fed Certified Noxious Weed Free Forage for at least 2 days prior to entering the Forest.

The grazing fees for 2014 are \$1.35 per head month.

Payment of your grazing bill is due five days prior to your earliest turnout date to allow time for processing. The Forest Service is required to give permittees a minimum of **30 DAYS** to pay their grazing fees. The Forest Service is requesting that permittees schedule their AOI meeting a minimum of 35 days prior to their earliest on date to provide adequate time to plan for the upcoming grazing season.

If you spot a wildfire, report it immediately to the Central Idaho Interagency Dispatch Center in Salmon, ID at (208)756-5157.

Actual use and range improvement maintenance forms have been included for you to complete and return at the end of the grazing season. Please return the completed forms within a month of leaving the allotment.

In addition, approval of requests for personal convenience and resource protection nonuse is not automatic and the authorized officer should discuss the reasons for the nonuse request with the permittee. Requests for non-use must be done in writing and the approval of a request must be in writing by the authorized officer. Full or partial permittee convenience nonuse may be approved by the authorized officer for no more than three consecutive years and not more than four years in any ten periods.

We look forward to working with you and solicit your cooperation and involvement in bringing about sound range and livestock management practices that will enhance all of the allotment resources. If you have any ideas or suggestions that will improve the management of the allotment, we would like to hear from you.

If you have any questions regarding any of the allotments for which you have permits, please call Ingrid at (208)768-2516, or myself at (208)756-5247.

Sincerely,

/s/ Jay Winfield

Jay Winfield
District Ranger

Cc: Kaden Piva
Encl: Improvement Maintenance and Actual Use Records