ANNUAL OPERATING INSTRUCTIONS
2010

Pescio Brothers

Humboldt-Toiyabe National Forest
Ely Ranger District

Duck Creek C.U.
Boneyard C.U.
Berry Creek C.U.

Recommended by: /s/ Amery Sifre Date: 3/11/2010
Rangeland Management Specialist

Accepted by: _____ Date:
Permittee

Approved by: /s/ Jose Noriega Date: 3/11/2010
District Ranger

Upon signature by the District Ranger, these Annual Operating Instructions are hereby made a part of your Term Grazing Permit number 90006 approved by the Ely District Ranger on March 21, 2006.

As permittee, my signature on these Annual Operating Instructions certifies that there is no change to my permitted livestock or base property ownership as described in my grazing permit.

Any changes or deviation from the direction outlined in the Annual Operating Instructions will need to be requested in a written notice to the Ely Ranger District. This includes changes in animal numbers, class of livestock, period of use (changes in entry or exit dates form unit to unit), or changes in pasture rotation. No changes in these instructions will be recognized without written confirmation from the Ely Ranger District.

INTRODUCTION
Pescio Brothers

Permitted # of Livestock:

Allotment	Number	Kind/Class	Season	Head Months
Boneyard C.U.	35	Cow/Calf	6/1 – 10/10	152
Duck Creek C.U.	40	Cow/Calf	6/1 – 10/10	174
Berry Creek C.U.	15	Cow/Calf	6/1 – 10/10	65

Authorized # / Rotation of Livestock:

Allotment	Number	Kind/Class	Season	Head Months
Boneyard C.U.	35	Cow/Calf	6/15 – 10/25	153
Duck Creek C.U.	40	Cow/Calf	6/15 – 10/25	175
Berry Creek C.U.	15	Cow/Calf	6/15 – 10/25	66

Rotation Schedule

- ✓ Dates for rotation are considered approximate; actual dates will be determined by utilization levels. When utilization levels are reached for a particular area or the allotment as a whole, the cattle will be moved to the next area or off the forest. All livestock must be removed from National Forest system lands within 72 hours of notification and controlled to prevent re-entry

6/15 – 10/25

- Move cattle into Gilford Canyon, Steptoe Creek (south of Success Summit), and Boneyard Canyon.

****There should be a minimal number of cattle placed into the Boneyard Canyon area. The majority of the cattle should be dispersed into other areas of the allotment****

- Cattle will also be allowed to move into Grasshopper, Mosier, and Tamberlaine Canyons.
- Cattle will also be placed in Worthington Canyon and Berry Creek Canyon.

**** Cattle will be moved according to utilization levels and efforts should be made to keep livestock from concentrating in riparian areas****

Nonuse

- ✓ Personal Convenience Nonuse must be requested in-writing, 30 days prior to permitted on-date. This will provide the Forest Officer sufficient time to review the request and approve/ disapprove the application or consent to an alternative resolution. This type of nonuse is only allowed for up to three consecutive years and no more than four years in any 10 year period. Approval of nonuse is not automatic.
- ✓ Nonuse for Resource Protection or Development may be implemented by the authorized Forest Officer if necessary to facilitate the protection or development of National Forest System Lands and Resources.
- ✓ Nonuse applies only to livestock numbers, not to season of use. In the absence of approved nonuse, the permittee must place 90% or more of the permitted livestock numbers on the allotment.
- ✓ A permit cannot be waived based on sale of permitted livestock if that permit is in personal convenience nonuse status.
- ✓ Nonuse does not relieve the permittee from range improvements maintenance responsibility. Improvements used in common will be maintained before either operator turns on.

Authorized Nonuse:

- None

Livestock Brands & other Identifiers:

Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.

Seven P Combined -- LR-Cattle; LSH-Horses
Cross Three – LR-Cattle; LSH- Horses

COMPLIANCE

AOI is Part of Grazing Permit

Review all Clauses of your Term Grazing Permit #90006, the Allotment Management Plan (AMP), and the following Annual Operating Instructions (AOI), prior to grazing livestock during 2010. Listed below are the topics we discussed and agreed to during your Annual Operating Meeting. Be sure to ask questions if any portion of any of these documents is unclear. Upon signature, these Annual Operating Instructions supplement and become part of your Term Grazing Permit, as provided for in Part 2, Clause 8(a).

Your compliance with this instruction is essential for the proper management of National Forest System lands. Failure to comply with the terms and conditions of your permit and this instruction will result in permit action which can include suspension or cancellation of part or all of your Term Grazing Permit.

Modifying AOI

Situations may develop during the grazing season which requires changes to these instructions. If this becomes necessary, or if you cannot comply with some parts of these instructions, contact the District Ranger and obtain approval before initiating changes or deviating from these instructions.

Notice of Non-Compliance Actions

Noncompliance is any violation of the terms and conditions identified in the Term Grazing Permit as well as the current seasons AOI. Infrequent, minor, or first time offenses may be easily remedied by a telephone call to or personal contact with the permittee, preceded by a follow-up discussion. Administrative action such as partial or total suspension or cancellation of grazing privileges can occur when noncompliance is habitual or where immediate action is necessary to protect public health, interest, or safety. A Notice of Noncompliance (NONC) will be sent to the permittee identifying specific permit violations, corrective actions that must be taken by the permittee to demonstrate or achieve compliance, a timeframe to complete corrective actions, and possible administrative actions that may be taken if violations are not remedied.

Livestock Requirements

- ✓ ***Ear Tags:***
  - The Forest officer may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.
  - It is the permittees' responsibility to notify the Forest Officer a minimum of five days before turnout of when and where livestock will be turned out so a count can be made if desired.
- ✓ ***Certified Weed Free Hay:***
  - By USDA order 04-00-097, all non-palletized hay, straw or mulch possessed, stored, or transported on National Forest System Lands, in individual bales or containers, must be tagged or marked as noxious weed free, or must have the original and current evidence of noxious weed free certification documentation present. All markings must meet the State and/or county standards for certification as noxious weed free.
  - If the animals are being fed hay prior to coming on to the National Forest, please see to it that they are fed weed free hay for several days to allow the majority of seeds to pass before turn on. It is your responsibility to ensure that your livestock do not contribute to the transport of noxious weeds onto the allotment.
  - Any hay, straw or other feeds used on the allotment either shall be certified as being free of noxious weeds, or shall consist of heat treated palletized feed.
- ✓ ***Crossing Permits:***
  - Any livestock movement across National Forest System lands other than within the permitted allotment and the permitted season must be done under a crossing permit. This permit can be obtained through the Forest Officer.

BILLING/CREDIT

- ✓ Year 2010 grazing fees are set at $1.35 per head month for cattle.
- ✓ All bills need to be processed through our payment center and confirmed through "lock box" before livestock can enter onto National Forest Service Lands.
- ✓ Livestock remaining on the National Forest after the authorized grazing season must be billed for at the unauthorized use rate, and may be cause for administrative action against the grazing permit.
- ✓ If you are required to delay turnout or leave the allotment early, you may request for a credit against the next years' bill for collection for the unused head months. Actual use records document dates livestock spend within particular pastures or allotments, as well as other useful information such as loss, resource concerns, improvement needs, etc. In order to be eligible for credit, all credit applications and actual use records need to be received by December 31 of the current grazing season.
- ✓ Extensions of the authorized and paid for grazing season, if desired, must be requested at least 21 days in advance of the off date to allow time for inspection and billing and subsequent payment of additional grazing fees.

LIVESTOCK MANAGEMENT

Entering Allotment

- ✓ On-date for livestock entry onto the allotment for this grazing season is tentatively scheduled for June 15.
- ✓ You will need to contact the Forest Officer at least five days prior to this turn on date to confirm that the rangeland is ready and that required maintenance is complete. The actual on date will be based on a general range readiness check and as time permits, spot-checks of maintenance. *(See Attachment: Indicators for Rangeland Readiness)*
- ✓ ***Turn-Out Locations:*** After a sufficient time for mothering up, livestock are to be distributed throughout the pasture on the same day as they are turned out. In no case is it acceptable to leave the livestock to distribute themselves. Livestock are not to be turned out onto areas of resource concern such as riparian areas, areas near concentrated public use, trailheads, and so forth. Coordinate with the Forest Officer to ensure that we are not creating problems for ourselves.

Pasture Movements and Exiting Allotment

- ✓ The Forest Service recognizes that moves from one pasture to another cannot usually be accomplished in one day. It is your responsibility to begin early movements of livestock to ensure that pastures are clean by the dates specified. Early movement shall not exceed five days unless approved in advance by the Forest Officer.
- ✓ Depending on the pasture, the permittee should spend as much time as needed in moving livestock away from areas of concern (meadows, riparian areas, key areas, and so forth) and into areas of normally light use. This is entirely to the benefit of the permittee as it allows the livestock to make use of forage that otherwise will not be grazed before allowable use standards are met in the key areas and the livestock are required to be removed from the pasture.
- ✓ Permittees are encouraged to employ gentle herding techniques based on slow movement, herding in the afternoon and early evening rather than morning, bedding livestock in the desired area overnight, letting the livestock respond to your movements, rather than pushing them hard, and so forth. This has proven to result in better overall distribution with less stress on the livestock
- ✓ The off date for a pasture is the date when the livestock are to be fully out of the unit, or in the case of the last pasture, fully off the National Forest System lands. It is your responsibility to ensure compliance with this requirement. **Failure to completely remove livestock from a pasture by the off date may result in action being taken against the grazing permit(s).**

Rest Units:

Closed Areas:

Special Provisions:

- *Trailing/Crossing Other Allotments*-
- *Hauling water-* (When & Where)
- *Holding or Gathering Areas*- (Shipping Sites)
- *Riparian Areas-*
- *Special Instructions*- (Ear Tags)

Adaptive Management Actions- (Based on past year(s) monitoring and inspections)

STANDARDS AND GUIDELINES

Proper Use Standards

Allowable use is the degree of grazing specified for a particular area and/or plant(s).

Utilization Standards

Utilization is based on current year's growth for browse and shrubs. The utilization percentages represent the maximum that will be allowed based on current livestock management practices and is measured as point in time.

ALLOTMENT: All Allotments

Maximum Riparian Forage Utilization Values for Springs and Seeps

Grazing Management System	Percent Utilization Key Species/ Grass
Season Long	Cat. I & II 35% Cat. III & IV 50% Cat. V 55%
Deferred Rotation	Cat. I & II 45% Cat. III & IV 55% Cat. V 65%
Rest Rotation	Cat. I & II 45% Cat. III & IV 60% Cat. V 65%
High Intensity Short Duration (early season)	Cat. I & II 55% Cat. III & IV 65% Cat. V 70%

****See Permit for more detailed discussion of utilization requirements and area locations****

Upland/Riparian Browse for all allotments

Category	Key Species	Utilization
Uplands	Desirable grass	65%
Upland Browse	Desirable Aspen/ Shrubs	35%
Riparian Browse	Desirable Aspen/ Shrubs	35%

- The maximum utilization levels would normally be used where the plant community is at or near the desired future condition.
- The listed value is the maximum rate that can be prescribed unless otherwise approved by the Forest Supervisor.
- Utilization of riparian shrubs will not exceed 35% of the current year's growth.
- Current management categories and utilization levels for creeks will remain the same.
- Current upland utilization and browse levels will remain the same.
- Utilization of crested wheatgrass seedlings may periodically exceed the above rates by 5-10% to regulate growth form.
- Key species can vary by range site and management system.
- Under the high intensity short duration (early season), timing in relation to the period remaining for regrowth is key. The system is dependent upon sufficient regrowth to meet plant physiological needs and other resource values.
- Sediment entrapment is essential to streambank restoration. At least 3-4 inches of herbaceous stubble height is needed on site during high flow periods.

Please review the following Utilization Standards table obtained from your permit prior to turning out as the use level stated is the maximum utilization allowed for the planned season of use. Once these use levels have been reached you will be required to move your livestock to another unit or remove them from National Forest System lands regardless of the time remaining in the grazing season or how many Head Months you have paid for. You are responsible for tracking and complying with your permitted forage use levels.

IMPROVEMENTS

***Current* Structural and Non-Structural Improvements**

- ✓ You are responsible for maintenance of all rangeland improvements assigned to you in your grazing permit, whether grazing occurs or not.
- ✓ All assigned improvements are to be maintained to a level that fully serves the intended purpose and perpetuates the effective life of each improvement.
- ✓ Improvement maintenance and responsibility is adequately described on part 3 of the grazing permit and clearly displays the requirements for completing maintenance prior to turn out of livestock into the area/unit/allotment.
    - *Exterior Fences*- must be maintained to standard prior to the earlier turn on date or either yourself or your neighbor on the adjacent allotment. It is your responsibility to coordinate with your neighbor to ensure that the maintenance occurs on time. All interior fences must be maintained to standard prior to turning livestock against them.
    - *Water Developments*- must be maintained to standard prior to livestock entering the pasture containing the development.
- ✓ Maintenance must occur throughout the season and cannot be a one-time action. Damage resulting from big game, wind or other acts of nature, or human caused actions, must be repaired in a timely manner to ensure the integrity of the structure. If serious or repeated problems occur, contact the Forest Officer and work to determine long-term solutions
- ✓ The Forest Service will spot check maintenance as time permits; or if we are made aware of a problem, additional checks will be conducted
- ✓ Failure to properly complete the assigned maintenance to standard and in a timely manner will be cause for denial of permission either to place livestock on the allotment, or to move to another pasture, and/or may result in action being taken against the grazing permit. *(See Attachment: Structural Improvement Maintenance Standards)*

***Proposed* Construction/ Reconstruction of Structural and Non-Structural Improvements**

- ✓ Structures that are deteriorating to the point where maintenance is no longer able to adequately repair them, the permittee will work with the Forest Officer to schedule replacement. In general, this work will be completed on an approximately 50:50 cost share basis between the permittee and the Forest Service.
- ✓ Please be aware that it is necessary to plan projects with at least one-year lead-time to allow for the required documentation and clearances.
- ✓ Project work will be performed only under an approved Permit Modification for Cooperative Range Improvement. This agreement will contain and specify the project standards and timeframes.

Projects remaining from prior years: In the past you have requested the following projects

- None

Projects to be initiated this grazing season:

- None

Special Projects (special maintenance needs, evaluation of potential new improvements, coordination with others to resolve conflicts, etc.)

- None

RIDER/ PERMITTEE INSTRUCTIONS

- ✓ **Salt and Supplement Placement**
    - Salt or supplement can be used to improve distribution of livestock into areas of light use and to lessen grazing impacts to key areas.
    - All salt or supplement will be placed away from key areas and available water, in areas where livestock is usually light.
    - It should be moved progressively to allow animals to find it and to become used to grazing in the vicinity. Animals may also need to be herded to the salt and bedded in the general vicinity.
    - In no case will salt or supplement be placed closer than ¼ mile to streams, springs, water developments, or other wetlands without prior approval of the Forest Officer.
    - Salt or supplement will not be placed within tree regeneration areas where the smallest trees are less than three feet tall.

- Salt or supplement will not be placed near trailheads, on open roads, in areas of concentrated public use, or in other areas where such placement is liable to result in conflicts with other Forest or Grassland users.
- Unless otherwise agreed to by the Forest Officer, salt or supplement shall be removed from a pasture when the livestock are removed.

✓ **Noxious Weeds/Invasive Species**
- Any equipment used in the transport of livestock, including horse trailers and stock trucks, should be washed before coming onto the allotment, if they have been used in areas where noxious weeds are present.
- Any seed used on the allotment must be tested by a certified laboratory to AOSA standards and certified to meet State standards based on the All States Noxious Weed list.
- Your assistance in locating noxious weed sites and reporting them to your Forest Officer is greatly appreciated. If you are able and willing to assist in treating noxious weeds, please work with your Forest Officer to determine how best to help.

✓ **Animal Damage Management**
- Animal damage management activities must be conducted in accordance with both Federal regulations and State law. Requests for assistance will be done through APHIS and must comply with the Forest Plan. For further information, contact the Forest Officer.

✓ **Disposal of Dead Livestock**
- Any dead livestock shall be moved to a location greater than 200 feet from water, out of view of roads or trails, and away from any areas of significant public use.

Travel Management/ Access

✓ The Forest Service is continuing its Travel Management Planning. The Forest Service will provide project update as they become available.

✓ Some travel-ways are closed to vehicular use or have restricted seasons. Permittees are required to abide by all Forest roads and trail restrictions and closures. Written approval is required prior to driving off road in certain areas. Consult with your Forest Officer to make sure that you understand the current rules and permit requirements.

Wilderness/ Access

✓ Livestock management in wilderness requires special consideration of the wilderness values. All management practices will be arranged to minimize impacts on the natural environment and to avoid conflict with other users of the area.

✓ Even though motorized vehicle use within wilderness may be authorized for permittees under special circumstances, Leave-No-Trace principles are highly recommended. If there is a need for such permission, please contact your Forest Officer.

Special Provisions:
- One water development has been identified within the wilderness boundary just beyond the cherry-stem road in Worthington Canyon. This water development is currently being maintained with hand tools on an annual basis, but use of heavy equipment may be authorized to remove sediment and other debris in the future. Heavy duty maintenance is estimated to take place once every 10 to 20 years. No heavy equipment use is planned for the current grazing season.
- ATV and/or pickup use is authorized just past the cherry-stem road in Worthington Canyon to transport materials to the identified water development. ATV and/or pickup use is authorized for the current grazing season.
- Occasional chainsaw, auger, rock drill, air compressor, and welder use has been recorded on the Documentation of Motorized use and will be authorized on an annual basis.

REQUIRED REPORTING

Year-end or Periodic Reports

✓ The Current Plan and Use Record, Improvement Maintenance Record, and Documentation of Motorized Equipment and Mechanical Transport Use Record need to be returned to the district office within 30 day following the scheduled off-date or by December 31 of the current grazing season. *(See Attachment: Forms for use by Permittee)*

- ✓ The permittee is responsible for monitoring and tracking livestock numbers; pasture entry and exit dates; allotment entry and exit dates, maintenance activities for assigned improvements. It is recommended to make note of information such as salting areas, grazing loss, grazing use, resource concerns and improvement needs to provide to the Forest Officer.
- ✓ Permittees shall notify the Forest Service immediately by telephone, and with written confirmation, the discovery of human remains funerary objects, sacred objects or objects of cultural patrimony pursuant to regulation Section 10.4(b), of the Native American Graves Protection and Repatriation Act.

INSPECTIONS & MONITORING

Monitoring

Monitoring has two key aspects. The first, Implementation Monitoring, is designed to show that we are doing what we said that we would do. In other words, that we are using pastures as planned, meeting the allowable use standards, maintaining improvements as specified, and so forth. Much of this monitoring is the permittee responsibility to a large degree. The second, Effectiveness Monitoring, is designed to tell us whether what we are doing is working as planned and to what degree.

- ✓ **Implementation Monitoring**
  - Your term grazing permit includes the specific maximum allowable utilization levels appropriate to your allotment. Allowable use is calculated at a point-in-time. Once these use levels have been reached you will be required to move your livestock to another unit or remove them from National Forest System lands regardless of the time remaining in the grazing season or how many Head Months you have paid for. You are responsible for tracking and complying with your permitted forage use levels.
  - In addition, please measure your average forage height upon entering a pasture, and again when you leave a pasture. Conducting allowable use monitoring on the key areas of your pastures will aid you in tracking when livestock need to be moved to ensure that the standards are met. The Forest Officer will work with you to ensure that you understand the methods used and that you know the key areas and key species on your allotment. The Forest Officer will also provide forms for recording the monitoring data. You are requested to send copies of the monitoring information to the Forest Officer on a regular basis, but no later than one month after the end of the authorized grazing season.
  - The Forest Officer will conduct inspections of the allotment as time permits. When feasible, you will be contacted ahead of time and invited to participate. However, informal inspections may occur at any time as the opportunity presents. Significant findings from these inspections will be made available to the permittee in a timely manner by personal contact, letter, or both. If an action is required, the Forest Officer will notify you regarding what specifically needs attention (e.g. is out of compliance), by when, and to what standard.
- ✓ **Effectiveness Monitoring**
  - The Forest Service will conduct most of the Effectiveness Monitoring on the allotment. You are encouraged to participate and can receive the results of any monitoring simply by asking. We will also demonstrate techniques if you are interested.
  - You are encouraged to conduct camera point monitoring and to share the information with your Forest Officer. Camera points are easy to set up and are excellent at showing longer-term trends in plant health. Your Forest Officer can work with you to show what camera points we currently are monitoring, to suggest areas where camera points are needed, and to help you to learn our camera point monitoring system.

COORDINATION & COOPERATION

Notification of Problems/Coordination

In order to prevent small problems from becoming big problems, please work closely with your rangeland management specialist in his capacity as the representative of the District Ranger. Your rangeland management specialist is Amery Sifre. Her office telephone number is 775-289-5116; cell phone number is 775-289-0177. The mailing address is USDA Forest Service, Ely Ranger District, 825 Ave. E, Ely, NV 89301.

Coordination with Other Groups and Agencies: (State Agencies, BLM, Noxious Weeds, Communicable Diseases testing, and Wolf/Predator Depredation Prevention)

ATTACHMENTS, FORMS, & MAPS

1. Range Readiness Indicators
2. Structural Improvement Maintenance Standards
3. Forms for use by Permittee
    - Actual Use Record/ Improvement Maintenance Record
    - Documentation of Motorized Equipment and Mechanical Transport Use Record (Occasional)
4. Maps discussed during AOI meeting
    - Berry Creek Allotment
    - Duck Creek Allotment
    - Boneyard Allotment