

# **Muir Trail Ranch, Inc**

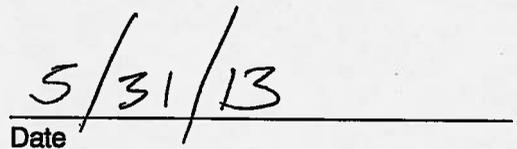
## **Operating Plan**

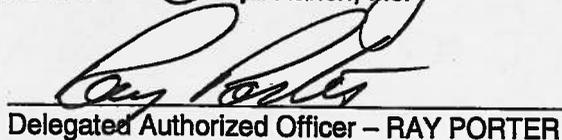
## 2013 ANNUAL OPERATING PLAN

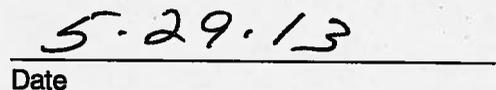
When signed by both the Special Use Permit Holder and the Forest Service authorized officer, this operating plan becomes part of the permit (Clause III. B.). Refusal to sign this operating plan does not relieve Holder of adhering to all provisions. The Holder is responsible for those portions of the operating plan that describe the actual business operation, Part V, Operations. The Forest Service is responsible for the remaining sections and exhibits. The authorized officer must approve in advance, of operations any proposed changes to this operating plan. The authorized officer will make the final determination on issues involving resource protection and public health and safety.

### Muir Trail Ranch, Inc.

  
\_\_\_\_\_  
Permittee - Muir Trail Ranch, Inc.

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Delegated Authorized Officer - RAY PORTER

  
\_\_\_\_\_  
Date

## I. PERMIT HOLDER and FOREST SERVICE REPRESENTATIVE(s)

The Representative(s) of: **Muir Trail Ranch, Inc.**  
is/are: **Karla Hurley**  
Authorization ID: **PIN1084**  
Address: **P.O. Box 700**  
**Ahwahnee, CA 93601**  
Phone: **(209) 966-3195**  
Facsimile:  
Cellular: **(209) 966-3195**  
Email Address:

The Forest Service representative with responsibility for this special use permit is/are:

**AUTHORIZED OFFICER: Dean Gould**, Forest Supervisor, Sierra National Forest

**DELEGATED AUTHORIZED OFFICERS:**

District Ranger, Sierra National Forest, **Ray Porter**, High Sierra District Ranger District

Permit Administrator: Sierra National Forest, **Debbie McDougald**, High Sierra Ranger District

## II. GENERAL OPERATION REQUIREMENTS

This operating plan includes the season and level of use for all pack stock outfitter activities, guidelines and limits for incidental grazing, approved use of National Forest system and non-system trails, roads and routes, and assigned use allocations.

The Holder shall carry out the provisions of this operating plan including Exhibits 1-11 and shall require his employees, and agents to do likewise.

## III. COURT ORDERED REQUIREMENTS

The following requirements are set forth in the May 8, 2008 Order for Injunctive Relief.

### **Injunctive Relief, Item 3**

1. 3a and 3b. The Forest Service will be solely responsible for authorizing pack stock services and will issue uniquely numbered permits in the name of the client who is the group leader. The permit will include the group leader's address.
2. 3b. The permit will specify the group's entry and exit dates, entry and exit trail heads, destination, party size and type of trip.
3. 3c. No permits will be issued directly to commercial permittees, pack stations, or pack station employees, except in the case of full-service trips where pack station personnel accompany the trip for its duration.
4. 3d. Commercial pack stock permittees shall record all services on tally sheets, including, for each overnight trip, permit number, service start and end dates, entry and exit trail heads, number of clients, number of overnight employees, number of riding stock, pack stock, type of trip (including whether one- or two-way, campsite or drop-off/pick-up spot used, number of service days used, location of any grazing (including the number of stock grazing), and the number of days in a National Park (if applicable). Actual use shall be reported on the provided tally sheets (Exhibit 2). Report all use on this sheet, including wilderness overnight and day use, stock drives, mustang viewing trips, non-wilderness overnight and days use.

5. 3e. Each pack station shall verify that its client has a valid wilderness permit before providing any service.
6. 3f. By the 15<sup>th</sup> of each month, each permittee shall submit to the Forest Service records of all services provided during the prior month.

#### **Injunctive Relief, Item 4.**

1. 4a and 4b. Overnight use will not exceed 95% of the average use for the time period 2002-2004 and that wilderness day use will not exceed 3,690 service days. Use allocations are displayed in Section VI of this operating plan.
2. 4c. None of the temporary pool of service days authorized in the 2001 Plan may be allocated to providers of commercial pack stock services for the purpose of providing such services.
3. 4d. Camp set-up and take-down, and resupply trips shall be debited against service days by multiplying the number of stock needed to provide the service for such trip by the number of days needed to accomplish the service.
4. 4e. Day rides, including rides from overnight camps during full-service trips, may occur only on approved system trails as identified on Table 2.26 of the Final Environmental Impact Statement for the 2005 Plan.

#### **Injunctive Relief, Item 5**

1. 5a. The commercial trailhead quotas in the 2001 Plan shall be implemented at the beginning of the 2008 operating season, and complied with.
2. 5b. Case-by-case itineraries may be approved in accordance with the criteria set forth in the 2001 Plan. Submit requests at least two weeks prior to date of entry. Indicate the trail requested, name and number in the party, number of pack and riding stock, entry and exit dates, type of trip.
3. 5c. In addition to implementing the trail head quotas referenced in Paragraph 5.a., the Forest Service shall limit each pack station's use of destinations in areas designated as "red" on the Forest Service's "Use-Overlap-Impact Analysis", to 80% of historic use. See Section VI, Item 3 of this operating plan for your specific allocation and Exhibit 6 for all red areas and their use allocations.

#### **Injunctive Relief, Item 6.**

1. For all types of trips authorized under the Order, pack stock shall be limited by a 1:1.5 Stock-to-person ratio. Accordingly, for every multiple of 3 persons (including pack station personnel accompanying or otherwise servicing such a trip), 2 pack animals shall be allowed in addition to 3 riding stock. Pack station employees are included in the total party size with respect to the stock to person ratio.

#### **Injunctive Relief, Item 7**

1. The Forest Service shall prohibit all pack stock grazing and entry in occupied Yosemite Toad breeding and rearing habitat throughout the breeding cycle (through metamorphosis). In addition, during the breeding and rearing cycle, the Forest Service shall prohibit any pack stock entry or grazing within 100 yards of any permanent water source within occupied Toad habitat.
2. The Forest Service will notify Holders of the period of closure after the California Department of Water Resources Bulletin 120 is issued.

#### **Injunctive Relief, Item 8**

1. 8a. The Forest Service shall implement the 10,000/10,400 ft. elevational campfire restrictions set forth in the 2001 Plan and prohibit exceptions to those elevational restrictions. Where a destination straddles the closure line, the collection of wood below the line for use above the line is prohibited.
2. 8b. The Forest Service shall prohibit the packing in or use of wood or any other solid fuel in areas closed to campfires.
3. 8c. The Forest Service shall conduct campsite surveys necessary to make determinations concerning site-specific campfire closures in accordance with the criteria set out in the 2001 Wilderness Management Plan.

**Injunctive Relief, Item 9**

1. All designated campsites, stock holding areas and spot and dunnage loading and unloading areas shall be allowed no closer than 100 feet from water.

**Injunctive Relief, Item 10**

1. The Forest Service shall prohibit grazing in meadows containing streams that are rated as Functional-at-Risk (FAR) with downward or unknown trends.

**IV. GENERAL PROVISIONS and FOREST SERVICE REQUIREMENTS**

**A. Permit Administration**

1. The Forest Service will issue all uniquely numbered wilderness permits in the name of the client who is the group leader.
2. The permit will specify the group's entry and exit dates, entry and exit trailheads, destination, party size, type of trip and the address of the group leader.
3. The permit will specify the group's entry and exit dates, entry and exit trailheads, destination, party size, type of trip and the address of the group leader.
4. For spot or dunnage services, the permit shall be issued to the client group leader.
5. For all expense trips, including, but not limited to, full service, traveling, basecamp and hiking with pack stock, where pack station personnel accompany the trip for its duration, the permit shall be issued to the pack station.
6. For all expense trips where the pack station employees are camping in a different location than the clients, both the guests and the employees shall have a copy of the wilderness permit.
7. It is the pack station's responsibility to verify that its client has a valid wilderness permit before service is provided.
8. Tally sheets, due by the 15th of each month, shall record the permit number, name of party, service start and end dates, entry and exit trailheads, number of clients, number of overnight employees, number of riding stock, number of pack stock, type of trip (including whether one- or two-way) campsite or drop-off/pick-up spot used, number of service days used, location of any grazing, number of stock grazed and the number of entire days spent in a National Park. (Exhibit 2 of the Annual Operating Plan)
9. By January 21st of each year, the Forest Service will make available to the public an accurate annual compilation that includes all tally sheets and permit records from the previous calendar year.

10. Itineraries approved on trails requiring case by case approval under the 2001 Wilderness Management Plan shall be documented contemporaneously and made publically available.

## **B. Resource Protection**

1. It is the Holder's responsibility to inform all employees of the rules and regulations pertaining to the authorized activities specified in the special use permit and annual operating plan. The holder is also responsible for all activities conducted under this authorization.
2. The Holder shall notify their permit administrator or District Ranger as soon as possible if the holder is aware that holder's employees, contractors, or any person acting under the permit has violated any term or condition of the permit or any applicable law or regulation. Holder shall also make this same notification if they are aware that any employee, contractor, or any other person acting under the permit intends to violate any permit term or condition or applicable law or regulation.
3. Whenever it becomes necessary to restrict or limit the use of native forage by pack and saddle stock, in the interest of resource protection, the permit holder may be required to pack in and supply all necessary feed.
4. Livestock may be excluded from areas for resource protection or areas reserved for administrative use, as requested by the Authorized Officer.
5. Grazing, when authorized under the terms of the permit, applies only to pack and saddle stock that are actively engaged in commercial outfitting operations by the holder and is allowed only when incidental to and necessary to support a specific commercial trip. Grazing is not allowed between trips, or before or after the guiding season, except under the terms of a separately approved grazing allotment. Where grazing is permitted the outfitter has the responsibility to not adversely impact the range resource and complying with applicable resource protection requirements, including, but not limited to the direction for Resource Protection, Packstock Management and Utilization Standards contained in this Operating Plan.
6. No permanent summer-long camps are authorized. Base camp limitation is 14 consecutive days.
7. The Forest Service will issue wilderness permits for all National Forest wilderness areas. Wilderness permits must be in the party's possession while in the wilderness. For spot and dunnage trips, the clients shall possess the permit. For traveling trips, basecamp or other all expense type trips, the pack station wrangler or other staff will have the wilderness permit in their possession for the entire trip. For all expense trips where the employees are not camped directly with the clients, both the guests and the employees shall have a copy of the wilderness permit. The pack station is responsible for ensuring each client/party receives the required wilderness regulation sheet and handouts provided by the Forest Service. The pack station is responsible for ensuring that the party has a valid wilderness permit prior to entering the wilderness. Case by case authorizations require a wilderness permit.
8. Bear proofing of human food, garbage and stock feed at the base facilities and during all stages of the operation is required. The pack station is responsible to direct spot and dunnage clients to store food and garbage properly.
9. Noxious Weeds
  - a) The permittee is encouraged to use weed-free hay and straw. When state weed certification programs are developed, the permittee will use only certified weed-free hay or feed for all activities occurring on Forest lands. Permittees who have infestations of high risk weeds on their private land or on other land they use for trailing or pasture will be asked to hold their livestock in a weed-free pasture for three days immediately before entering the Forest. All ground disturbing activities will address weed management measures as a part of prior approval. Any equipment used on Forest lands will be washed or steam cleaned prior to entering the Forest

- b) Any equipment used on Forest lands will be washed or steam cleaned prior to entering the Forest
  - c) Gravel, sand and soil brought on to the Forest will be free from noxious or invasive weed seeds or other propagative parts.
10. It is implied in this operating plan that a partnership is developed between the USDA Forest Service and the Holder to implement a policy of heritage stewardship. The Holder should actively promote a sense of conservation and teach clients minimum impact skills and ethics. The following minimum impact practices apply to all operations.
- a) The campfire, in areas where permitted, is a social aspect of an outfitted trip; however, the lasting impacts of a campfire will be reduced in the following ways: Use of rock campfire rings should be eliminated and pit/plug fires utilized where appropriate. The use of fire pans or fire blankets is suggested as an effort to decrease fire scars. Always use existing campfire rings, if not using a fire pan. Campfires will be kept free of trash such as tin foil, unburnable materials and melted plastic. There shall be only one minimal sized fire ring remaining in a campsite each time a group leaves a campsite.
  - b) Elevational campfire restrictions are set forth in the 2001 Wilderness Management Plan. Exceptions to those elevational restrictions are prohibited. Where a destination straddles the closure line, the collection of wood below the line for use above the line is prohibited.
  - c) In addition to the elevational campfire closures set forth in the 2001 Wilderness Management Plan, site specific closures as required by court ordered injunctive relief item (8c) have been implemented where Forest Orders are in place.
  - d) Packing in wood or any other solid fuels in areas with fire closure is prohibited.
  - e) All refuse resulting from operations under this permit shall be packed out or otherwise removed from National Forest System lands and waters. Camp areas will be kept clean and free of litter at all times, i.e., pull-tabs, cigarette butts, baling twine, foil, etc.
  - f) Concentrate use on durable surfaces. In heavy use areas, concentrate use in existing heavily used campsites. Travel on constructed trails, which have been designed to accommodate heavy use. All campsites shall be at least 100 feet from water and trails.
  - g) No waste or by-product shall be discharged into water if it contains any substance in concentrations, which will result in harm to fish and wildlife, or to human water supplies. Soapy water will be dumped at least 100 feet from any water sources. A sump hole for gray water disposal (after food particles have been strained) will be at least one foot deep and naturalized as the camp is moved.
  - h) Nailing or wiring to live trees or snags, or cutting green trees is prohibited. Rope or shims are recommended to promote resource protection and easy dismantling of structures. Padding between live trees and poles or rails is encouraged. Wire is not acceptable.
  - i) Stock will not be tied to trees except for short periods of time, for example; conducting trail maintenance, or saddling and packing of livestock. Proper use of a highline is recommended along with the use of tree saver straps or the equivalent. Highline should be used in a durable area well away from campsites. If supplemental feed is used, feed well away from campsite. If electric fences are used, they will be moved frequently and removed when leaving.
  - j) Manure will be scattered to speed decomposition before breaking camp. Holes pawed by stock

will be refilled.

- k) Operators are encouraged to use latrines for parties over 8 and when latrines are utilized, operators are encouraged to pack out the waste. Latrines will be located 200 feet from water. When latrines are not needed, the cat hole method is recommended for human waste disposal.

### **C. Health and Safety**

1. Any incidents resulting in personal injury, requiring a physician's attention, or property damage over two hundred dollars (\$200.00), must be reported to the permit administrator at the conclusion of the trip. Notification will also be made if any serious injury results during the use of developed facilities.
2. Incident Notification. The holder shall be required to contact the authorized officer as soon as practicable after the following incidents that occur on National Forest System (NFS) lands within the authorized area:
  - a) Any incident resulting in death, permanent disability, or personal injuries that are life-threatening or that are likely to cause permanent disability;
  - b) Any failure of a structural, mechanical, electrical component and its primary connection, or operator error, which impairs the operation or function of a passenger ropeway in a way that could affect public safety, or any ropeway incident that requires reporting to State authorities;
  - c) A search and rescue operation to locate a person; or
  - d) Any incident that had or has high potential for serious personal injury, significant property damage, or significant environmental or other natural resource damage, including but not limited to avalanches, landslides, flooding, fire, structural failures or release of hazardous substances.

**Method of Notification.** The authorized officer shall determine protocol for how the notification must be made. Notification may be tailored to the unique characteristics of the permitted operation. Report incidents to the assigned permit administrator.

**Contents of Notification.** When notifying the authorized officer of an incident, the holder shall be required to specify when, where, and how it occurred, and who was present or affected by the event

3. Any property owned or controlled by the Holder and left unattended on National Forest lands for more than 24 hours will be subject to impoundment under Secretary of Agriculture's Regulation 36 CFR 262, Subpart B.
4. When authorized horse or cattle drives utilize or cross roads that have vehicle traffic, necessary arrangements must be made for appropriate traffic control.
5. Holders are encouraged to provide first aid training to their employees.

### **D. Trails and Day Rides**

1. Obstacles blocking the system trail, other than snow, such as downed logs, rocks, or brush, shall be removed prior to or during the first commercial trip and meet Forest Service trail standards. In designated wilderness, primitive methods shall be used to remove such obstacles. The authorization for removal of obstacles is intended to address isolated occurrences of obstacles such as downed trees or rocks following winter, or a specific event such as a storm. The permit holder shall notify the permit administrator within two days of exiting the backcountry about the obstacles blocking passage that were beyond their ability to remove.

2. The permit holder must obtain prior approval for the performance of any trail maintenance (other than removing obstacles) on National Forest System lands.
  - a) User created trails approved for commercial pack stock use are listed in Exhibit 3 and 5.
3. Ansel Adams and John Muir Wilderness system trails approved for commercial pack stock use are listed in Exhibit 4. For all trips and for ingress and egress to the wildernesses, each pack station operator may use any trail approved for any commercial operator consistent trail management guidelines and any specially approved itinerary.
4. Wilderness day rides, including rides from overnight camps during full-service trips, may occur only on approved system trails as identified on Table 2.26 of the Final Environmental Impact Statement for the 2005 Plan (See Exhibit 4).

**E. Base Facilities and Site Maintenance**

1. Muir Trail Ranch facilities are listed in Schedule C of the special use permit.
2. Base facility maintenance is part of this operating plan and includes routine maintenance of fences, corrals and repair and upkeep of existing facilities. Any maintenance or construction beyond routine work is subject to an approved site or development plan

**V. DESCRIPTION OF OPERATION**

**A. Muir Trail Ranch:**

Muir Trail Ranch provides outfitting and guiding services in the John Muir Wilderness (JM) wilderness and Kings Canyon National Park. Day rides services consisting of one hour, two hour, half day, and full day rides on approved trails within the John Muir Wilderness are authorized. There are no operating facilities on National Forest land. Stock will be quartered at the pack station headquarters at the permit holder's private property in Blayne Meadow.

The normal operating area includes the John Muir Wilderness.

The normal operating season is June 15th through October 15th.

**VI. AUTHORIZED USE AND HERD SIZE**

**A. AA/JM Wilderness Service Day Allocation**

1. MUIR TRAIL RANCH use is authorized as follows:

<b>Muir Trail Ranch Service Day Allocations in John Muir Wilderness</b>		
<b>Wilderness Area</b>	<b>Type of Use</b>	<b>Allocation</b>
John Muir Wilderness	Overnight Use	35
John Muir Wilderness	Day Rides	127

2. Use in the following areas is limited to 20% of the average historic use and is assigned as listed:

<b>"Red" Areas</b>		
<b>Wilderness Area</b>	<b>Location</b>	<b>Muir Trail Ranch Service Day Allocation*</b>
Ansel Adams Wilderness	Garnet Lake	0

Ansel Adams Wilderness	Shadow Creek Corridor	0
Ansel Adams Wilderness	Ediza Lake	0
Ansel Adams Wilderness	Sadler Lake	0
John Muir Wilderness	Iva Belle	0
John Muir Wilderness	Genevieve Lake	0
John Muir Wilderness	Purple Lake	0
John Muir Wilderness	Round Lake	0
John Muir Wilderness	Davis Lake (Hilton)	0
John Muir Wilderness	Second Lake (Hilton)	0
John Muir Wilderness	Long Lake (Bishop Pass)	0
John Muir Wilderness	Long Lake (Little Lakes Valley)	0
John Muir Wilderness	Gem Lake (Little Lakes Valley)	0
John Muir Wilderness	Honeymoon Lake (Pine Creek)	0
John Muir Wilderness	Elba, Moon and "L" Lakes	0
John Muir Wilderness	Hutchinson Meadow	0
John Muir Wilderness	Golden Trout Lakes (Humphreys Basin)	0
John Muir Wilderness	Rae Lake	0
John Muir Wilderness	Guest Lake	0

\*Exhibit 7 displays entire allocation for each area.

3. Camp set-up, camp take-down and resupply trips shall be debited against allocated service days by multiplying the number of stock needed to provide the service for such trip by the number of days needed to accomplish the service.
4. Temporary service days authorized in the 2001 Wilderness Plan are not available for commercial pack stock services.
5. Permittees are not authorized to borrow or purchase service days from another pack outfit.
6. Except for public corrals at trailheads, permission to hold stock at trailheads overnight is required in advance.
7. Use of trails identified as needing Case-by-Case Itinerary Approval in the 2001 Wilderness Management Plan shall be requested not less than 14 days in advance of trail entry. Approval will be based on the following criteria:
  - a) Use must meet a need identified in the needs assessment.
  - b) Trips in those areas will not be advertised in brochures or other media.
  - c) Service is occasional in nature and not part of a yearly, repeated operation.
  - d) Use must fit within the quota system.
  - e) In areas where limiting factors have been identified, the appropriate resource specialist must review the proposed use to assure it is consistent with resource objectives.
8. Prior itinerary approval is required for any trip outside the normal area of operations.

## **B. Non-wilderness Use**

1. Horse and cattle drives on National Forest System (NFS) lands shall be conducted on approved routes.

Itineraries and schedules are to be submitted as part of the annual operating plan along with other advanced and estimated trips. Up to 4 stock drives (2 spring and 2 fall) are authorized. Permit Holder will notify the Forest Service prior to driving stock.

2. Day ride services are regulated by total herd size and are restricted to authorized routes.
3. Prior approval is required for any trips outside of the normal area of operations.

**C. Herd Size**

1. The maximum number of pack and saddle stock authorized under this permit for Muir Trail Ranch is not applicable since operations are on private land.
2. For all types of trips authorized in the AA/JM Wildernesses, pack stock shall be limited by a **1:1.5 stock-to-person ratio**. Accordingly, for every multiple of 3 persons (including pack station personnel accompanying or otherwise servicing such a trip), 2 pack animals shall be allowed in addition to 3 riding stock. At no time shall the number of stock used exceed 25. In summary:

Number of Persons	Number of Allowable Pack Animals
1	1
2 & 3	2
4	3
5 & 6	4
7	5
8 & 9	6
10	7
11 & 12	8
13	9
14 & 15	10

**VII. DESIGNATED CAMPSITES, STOCK HOLDING AREAS AND SPOT/DUNNAGE LOADING AND UNLOADING AREAS**

**AA/JM Wilderness Areas**

1. All designated campsites, stock holding areas (including day ride tie up spots) and spot and dunnage loading and unloading areas shall be no closer than 100 feet from water.

**VIII. FEE DETERMINATION**

**A. Assigned Site Fee**

1. This is an annual fee for each assigned site that is approved by the authorized officer. The assigned site fee is in addition to the fee for commercial use. Assigned sites are paid for at the rates specified in the Forest Service Handbook (\$200.00 per site per year through 2013). Rates will be revised every 3 years. Assigned fees will not be prorated. Refunds or credits will not be authorized for assigned site fees. Assigned Site is defined as a site that is designated and authorized for occupancy and use by a holder

who is providing a recreation service to the public during the authorized period of occupancy. Examples include but are not limited to base and drop camps, picnic sites, loading facilities, boat launches, and helispots. (FSH 2709.11, 37.05)

## **B. Grazing Fee**

1. This is a fee for grazing authorized livestock during the permitted use and will only be implemented as needed for specific permits. A grazing fee is assessed only when animals are authorized to graze. The fee is based on the head month. Fees are charged in accordance with current Forest Service Handbook direction. Refunds or credits will not be authorized for unused but authorized grazing. Fees for grazing are due prior to use. Fees will be based on submitted and approved grazing requests. Anticipated grazing needs are due November 1 along with advertised trips and advanced bookings. Pasture grazing fees and anticipated wilderness grazing fees will be calculated and billed with the annual minimum fee. Reported use above that which was initially estimated will require a subsequent billing. Fees paid based on estimated use are not refundable.
2. 2012 Estimated use: AA/JM Wilderness use will be based on the authorized head month figure listed in Exhibit A of permit.

## **C. Monitoring Requirements and Cost Recovery Fees**

1. A monitoring fee under Cost Recovery regulations shall be assessed annually for the 20 year permit term. If monitoring fees are not paid as assessed annually, the Forest service may suspend or revoke the authorization in whole or in part. Monitoring fees will be collected and used to cover the cost to monitor the following activities:
  - a) Construction or reconstruction of permanent or temporary facilities.
  - b) Rehabilitation of the construction or reconstruction sites.
  - c) Specific monitoring activities that are identified under the FEIS and ROD and that are determined to be attributed solely to pack stock use in the wilderness.

## **IX. MANAGEMENT OF COMMERCIAL PACK STOCK IN YOSEMITE TOAD BREEDING AND REARING HABITAT**

1. Pack stock grazing and entry is prohibited in occupied Yosemite toad breeding and rearing habitat throughout the breeding cycle (through metamorphosis).
2. During the breeding and rearing cycle, pack stock entry or grazing is prohibited within 100 yards of any permanent water source within occupied Toad habitat.
3. The duration of the breeding and rearing cycle shall be based on the "wet" and "dry" predictions based on the California Department of Water Resources Bulletin 120 (issued May 1 of each year).
4. The prohibition on entry into Yosemite Toad habitats shall begin ten days before and extend 80 days after the estimated start of breeding cycle based upon Bulletin 120.
5. The Forest Service will notify Holders of the period of closure after the California Department of Water Resources Bulletin 120 is issued.

## **X. PACK STOCK MANAGEMENT DIRECTION**

This section incorporates direction from the 2001 Wilderness Plan, 2001 Sierra Nevada Forest Plan Amendment as amended, and the 2006 Commercial Pack Station and Pack Stock Outfitter/Guide Permit Issuance FEIS.

**A. AA/JM Wilderness Grazing**

1. The permit holder is authorized the use and grazing of pack and saddle stock within the identified wilderness and non-wilderness areas only when such use is incidental to the provision of a service to the public as authorized by permit.
2. Grazing in meadows containing streams that are rated Functional-at-Risk ("FAR") with downward or unknown trends is prohibited. See Exhibit 10- Grazing Maps.
3. You must actively manage your stock to avoid entry into closed areas.
4. The Forest Service shall monitor meadows containing streams rated as FAR with an upward trend, and in which grazing is permitted. If such monitoring demonstrates degradation of the hydrologic function, grazing will be prohibited.
5. Final anticipated grazing needs based on advanced bookings, advertised trips and typical use must be submitted to the permit administrator for review by April 1 of each year.
6. Permit holder will comply with all grazing start dates established annually by Forest Order. Typical start dates are shown in the table below. When requested by the permit holder, the Authorized Officer may adjust the grazing start dates, case-by-case, on specific sites based on appropriate range readiness information. (2001 Wilderness Plan, Appendix G, pg. 6)

Dry Year	Grazing start dates could begin 15 or more days earlier than normal years
Normal year	Anticipated to begin by July 15 <sup>th</sup> at 9,000 feet elevation and August 15 <sup>th</sup> at 10,000 feet elevation
Wet Year	Grazing start dates could be delayed 15 to 30 days

2013 Grazing On-Dates are as follows:

Sierra National Forest (Not including area administered by the INF)		Inyo National Forest (Including SNF area administered by the INF)	
Elevation	Start Date	Elevation	Start Date
7000-7999 ft	June 1	7000-7999 ft	June 1
8000-8999 ft	June 15	8000-8999 ft	June 15
9000-9999 ft	July 1	9000-9999 ft	July 1
>10,000 ft	August 1	>10,000 ft	August 1

7. Annually revise Forest Orders for the wilderness to establish annual grazing start dates and grazing closures, as well as other pack stock use regulations for pack stock parties.
8. Established allowable utilization levels will be applied. This means that all users of a meadow, including the Holder, will be expected to comply. When a meadow reaches allowable utilization levels, all users will be directed away from that meadow. The permittee is responsible for recognizing when allowable utilization levels are being exceeded, and for avoiding areas as necessary to prevent utilization in excess of the allowable levels.

9. On key areas in the wilderness, use the Grazing Response Index method with Key Species utilization method. (2001 Wilderness Plan, Appendix G, pg. 10)
10. Utilization Standards:
  - a) In early-seral condition meadows, grazing utilization of grass and grass-like plants will be limited to 30 percent, or a minimum 6-inch stubble height (*SNFP ROD Appendix A-58*).
  - b) In late-seral condition meadows, grazing utilization of grass and grass-like plants will be limited to 40 percent, or a minimum 4-inch stubble height (*SNFP ROD Appendix A-58*).
  - c) Degraded meadows (such as those in early seral status with greater than 10 percent of the meadow area in bare soil and active erosion) will be rested from grazing until they have moved to mid-seral or late-seral status (*SNFP ROD Appendix A-59*).
  - d) Browsing on hardwood and riparian shrub annual leader growth or seedlings and advanced regeneration will be limited to no more than 20 percent of the annual growth (*SNFP ROD Appendix A-59*).
  - e) Keep disturbance to stream bank, natural lake and pond shorelines, caused by resource activities, from exceeding 20 percent and 10 percent in essential habitat for Lahonton and Paiute cutthroat trout and Little Kern Golden Trout (*SNFP ROD Appendix A-55*).

## **B. Loose Herding**

1. Forest Order 04-96-2 (FEIS Appendix B, Table B.1) prohibits "using saddle, pack, or draft animal on any trail by loose herding or driving, except on portions of trails where it is unsafe to keep animals tied together: 36 CFR 261.55©." Loose herding shall be done in such a manner as to minimize impacts to trails and campsites and to other forest visitors.

## **C. Dead Animals**

1. Livestock, owned or controlled by the Holder, that die on National Forest System lands, shall be removed or otherwise disposed of in a manner acceptable to the Authorized Officer. The Holder will notify the Authorized Officer within 48 hours with the location of the animal and the plan for disposal of the animal.

# **XI. TRAVEL MANAGEMENT**

## **A. AA/JM Wilderness**

1. Cross country travel within the AA/JM Wildernesses is not authorized. All commercial packstock must stay on designated trails, except where authorized in advance by the Forest Service for alternative routes or to access campsites and grazing areas. See Exhibits 3 and 4 for authorized trails.
2. Wilderness day rides, including rides from overnight camps during full-service trips, may occur only on approved system trails as identified on Table 2.26 of the Final Environmental Impact Statement for the 2005 Plan. (See Exhibit 4)

# **XII. ANNUAL PERFORMANCE EVALUATION FOR OUTFITTING AND GUIDING**

## OPERATIONS

### A. Basis, Evaluation Criteria and Performance Standards

1. FSM 2721.53h provides for annual permittee outfitting and guiding performance evaluation. Performance evaluations will recognize six different levels: outstanding, fully acceptable, needs improvement, unacceptable, not checked, and not applicable.
2. Performance evaluations will be based upon field inspections and permittee records, and will include: (1) Service to the public, (2) Compliance with permit, (3) Compliance with the operating plan, (4) Equipment/Livestock, (5) Safety, (6) Resource Protection and (7) Major Incidents (if any).
3. In-season evaluations may be conducted at any time. Deficiencies will be noted, and permit holder will have a time frame for correcting the deficiencies.
4. Performance evaluations will be reviewed annually at the end of the operating season, and the Permittee will be advised of the findings. Joint evaluations between the Forest Service and Permittee are encouraged.
5. The operating plan provides guidance, which is used by the Forest Service to monitor permit holder performance to ensure compliance with the terms of the Special Use Permit
6. Periodic inspection of operations and documentation of both positive and negative findings are the responsibility of the permit administrator. Inspections and an annual performance evaluation will be documented on the enclosed form (Exhibit 1). It will be the responsibility of the permit holder to ensure that all employees are familiar with the terms of the permit and this operating plan.
7. Noncompliance with any item identified in the Order for Injunctive Relief will result in an unacceptable performance rating and subsequent administrative actions set forth in the special use authorization. These actions could include reduction in service days, prohibitions on use in specific areas or trails, or other administrative actions provided under the permit terms.

### XIII. ANNUAL CALENDAR OF OPERATIONS

Documents and Fees	Due Date	Date Received
Advance Minimum Fee for the Calendar Year	January 1	
Financial Statements submitted for each reportable period	30 <sup>th</sup> of the Month	
Fourth Quarter Payment	January 30th	
Operating plan updates and planned/anticipated grazing needs	April 1	
Financial Balance Sheet Previous Year	April 15	
First Quarter Payment	April 30	
Forest Service provides written notice of grazing "on-dates"	May/June	
Certificate of Insurance	Upon Termination	
Monthly Tally Sheet Use Report	15 <sup>th</sup> of Each Month	
Second Quarter Payment	July 30	
Third Quarter Payment	October 30	
Final Tally Use report	November 1	
Advertising Submitted to Forest Service for Approval <sup>1</sup>	November 1	

<sup>1</sup> Draft for brochures, web sites and other advertising must be submitted to the permit by administrator November 1<sup>st</sup> and will be approved, modified or disapproved by December 1st.

Proposed Schedule for Advanced Advertised Trips <sup>2</sup>	November 1	
Forest Service Approve/disapprove or modify schedule of advanced advertised trips	December 1	
Forest Service Approve/disapprove or modify advertising.	December 1	

#### XIV. INYO AND SIERRA NATIONAL FOREST DEFINITIONS:

1. **Administrative Trip:** Any trip into the wilderness that is not directly related to providing service to paying customers or does not count against their total service days. Examples include: packing and outfitting/guiding for USFS trail crews, other federal or state agencies, contractors and volunteers who are authorized by the Forest Service to accomplish project or administrative work.
2. **All Expense Trip:** Includes any service where pack station staff accompany clients for the duration of the trip. Can include base camp, traveling, full Service, all inclusive, hiking with pack stock, continuous hire, or any other service where an employee is serving the client for the entire trip.
3. **Assigned Site:** A specific location on Forest land, inside or outside the wilderness, that is authorized for occupancy and use by the authorized officer and for which a fee is paid by the holder for the exclusive use of the site.
4. **Base Camp:** All provisions are provided by the packer. Customers and provisions packed to a designated camp. Cook and riding stock remain at camp. Pack stock returns to Pack Station. Maximum stay 14 days in one location.
5. **Camp Set Up:** Packer hauls in camp provisions the day prior to clients permitted entry. Record type of service, permit number of party being served, stock numbers, destination information, etc. of the service activity on tally sheet.
6. **Camp Take Down:** Packer back hauls camp provisions the day following the client's permitted exit. Record type of service, permit number of party being served, stock numbers, destination information, etc. of the service activity on tally sheet.
7. **Day Ride:** A day or part of a day where a customer rides stock, but does not stay overnight.
8. **Dunnage:** Customer provides all provisions. Packer hauls to designated location and may return on a specified date to remove gear, if trip is for two ways. Customer walks.
9. **Horse and Cattle Drives:** The movement of a herd of stock over non-wilderness lands, typically a working trip for transportation from winter pastures or holding areas to the pack station and return, but also may include recreationists that accompany the trip. Drives may also be performed, however, solely for recreational purposes.
10. **Resupply:** Packer hauls in provisions to an agreed location to support a customer's trip that is currently in progress. Re-supply services may not start on the same day as the trip that is being serviced. Re-supply packer and stock may not subsequently travel with the party that has received the re-supply.
11. **Service Day (Client):** A day or part of a day for each individual that the packer, outfitter, guide, wrangler, leader, cook or instructor accompanies or provides services for, including transportation on Forest land. Beginning and ending days of a trip or service period will be considered full days. Where a supply or drop service alone is provided, the full or fractional days involved times the number of clients in the party equals service days.

<sup>2</sup> The permit holder will submit to the Forest Service by November 1st a proposed schedule for advanced advertised trips. These trips will include dates, trailhead of entry/exit (if applicable) and itinerary of trip including grazing areas. Trips will be assessed along with other operations and uses in the area based on resource conditions. The Forest Service will approve, modify or disapprove this schedule by December 1st.

12. **Service Day (Stock):** Applies to resupply, camp setup and camp take-down service. Service days are calculated by multiplying the number of stock (including packer's riding animal) required to provide the service by the number of days required to provide the service.
13. **Spot Trip:** Customer is taken by horseback to a designated location with provisions for a specified time. The packer and stock may return at a specified time to pick up the customer, if the trip is for two ways. Customer furnishes all provisions and equipment but rides in.
14. **Stock Night:** One animal in the backcountry for one night.
15. **Traveling Trip:** Livestock and crew remain with customer from start to stop. Two types of traveling trips are available. In the all expense travel trip the packer provides everything whereas in others the customer can provide his or her own gear, food, etc.

## **XV. LIST OF EXHIBITS**

**Exhibit 1 - Performance Evaluation**

**Exhibit 2 - Tally Sheet for Overnight Use Reporting**

**Exhibit 3 - Approved User Created Trails (Not included-no changes from 2012)**

**Exhibit 4 - Approved Wilderness Trails for All Uses(Not included-no changes from 2012)**

**Exhibit 5 - Approved Use Trails for the Kaiser and Dinkey Lakes Wilderness and  
Non-Wilderness Use Trails (Not included-no changes from 2012)**

**Exhibit 6 – Day Use Tally Sheets**

**Exhibit 7 - Red Area Allocations**

**Exhibit 8 – Red Area Maps (no maps included since this permittee has no allocation)**

**Exhibit 9 – Dinkey Lakes Wilderness System Trails (no trips allocated to destinations  
in this wilderness)**

**Exhibit 10- Grazing Maps (not included no changes from 2012)**

**Exhibit 11-Service Day Pool Use**