

Three Corner Round Pack Outfit

Operating Plan

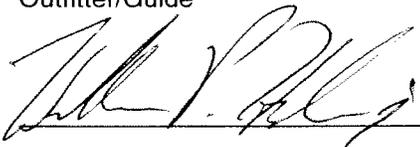
Exhibit B

FIVE YEAR OPERATING PLAN

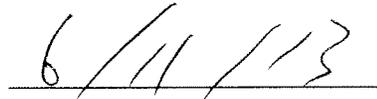
When signed by both the Special Use Permit Holder and the Forest Service authorized officer, this operating plan becomes part of the permit (Clause II. A.). Refusal to sign this operating plan does not relieve Holder of adhering to all provisions. The Holder is responsible for those portions of the operating plan that describe the actual business operation, Part IV, 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.

The Three Corner Round Pack Outfit, Inc.

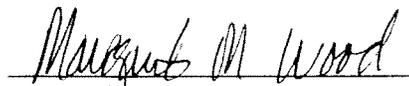
Outfitter/Guide



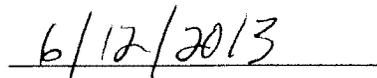
Authorized Agent – WILLIAM P. HOLMES, JR.



Date



Delegated Authorized Officer – MARGARET WOOD



Date

Exhibit B

FIVE YEAR OPERATING PLAN

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The Three Corner Round Pack Outfit, Inc.

Outfitter/Guide

Authorized Agent – WILLIAM P. HOLMES, JR.

Date

Delegated Authorized Officer – MARGARET WOOD

Date

I. PERMIT HOLDER and FOREST SERVICE REPRESENTATIVE(S)

The Representative(s) of: **The Three Corner Round Pack Outfit, Inc.**
are: **Thomas A. Tormey, President, Authorized Agent**
Gordon D. Kinder, Vice President, Authorized Agent
William P. Holmes Jr., Expedition & Development Director, Authorized Agent

Authorization ID: **LPD070007P**

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440-670-1114, Thomas A. Tormey
216-978-1846, William P. Holmes Jr.

Email: **gkinder@gordonkinder.com; holmeswp@gmail.com;**
ttormey@centralcoatedproducts.com

Web address: www.ThreeCornerRound.org

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

AUTHORIZED OFFICER:

Ed Armenta, Forest Supervisor, Inyo National Forest

DELEGATED AUTHORIZED OFFICER:

Margaret Wood, Deputy District Ranger, Inyo National Forest, White Mtn. and Mt. Whitney Ranger Districts

Carmen John, Permit Administrator, White Mountain and Mt. Whitney Ranger Districts

II. GENERAL OPERATION REQUIREMENTS

A. 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.

B. The Holder shall carry out the provisions of this operating plan including Exhibits 1-5, and shall require his employees, and agents to do likewise.

C. This Plan will be updated annually.

III. 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. 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. (Appendix E of the special use permit)
4. 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.

5. Itineraries approved on trails requiring case by case approval under the 2001 Wilderness Management Plan shall be documented contemporaneously and made publically available. Requests for case by case approval require at least two weeks lead time.

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 responsible for all activities conducted under the 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. Livestock may be excluded from areas for resource protection or areas reserved for administrative use, as requested by the Authorized Officer.
4. Grazing is not authorized on NFS lands. Weed free feed shall be used at basecamp.
5. Bear proofing of human food, garbage and stock feed at the base facilities and during all stages of the operation is required. Guarding food is not an appropriate method of food storage. The counter-balance method (hanging items from a tree branch) or panniers/containers approved by the District Ranger are the only authorized method of food storage.
6. Manure accumulations shall be removed from all corrals and disposed of properly off NFS lands at season's end. If temporary storage occurs during the season, manure will be stored 100 feet away from water or in a non-leaking container.
7. Noxious Weeds:
 - a) The Holder and the Forest Service will develop a weed management plan for pack station facilities during the 2009 operating season to be included in future operating plans. See Exhibit 3 for the Working Draft Annual Weed Checklist. The weed plan for the authorized permit area would detail the measures for preventing, reporting, controlling and monitoring weeds [non-native plants as listed in the Jepson Manual (Hickman, 1993)] that would be taken by the permittee, its employees, contractors, and subcontractors. These measures may include the following:
 - (1) 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.
 - (2) Any equipment used on Forest lands will be washed or steam cleaned prior to entering the Forest
 - (3) Gravel, sand and soil brought on to the Forest will be free from noxious or invasive weed seeds or other propagative parts.
8. 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 their 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) Packing in wood or any other solid fuel above the elevational fire closure is prohibited.
- d) 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.
- e) 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.
- f) 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.
- g) 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.
- h) 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.
- i) 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. 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.
2. 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.

- a) 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.
- 6. 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.

When authorized horse or cattle drives utilize or cross roads that have vehicle traffic, necessary arrangements must be made for appropriate traffic control.

7. STAFF QUALIFICATIONS, TRAINING, CERTIFICATIONS: TCR utilizes a ranking system for all participants and employees. One obtains a position of rank based on experience and maturity. The ranking system of TCR is as follows:

- a) Linesman: First year camper on a TCR expedition. Responsible for own line of animals and related equipment. On occasion a participant may be ranked as a second year linesman.
 - b) Extraman: Second or third year participant on an expedition.
 - c) Junior Leader: Paid leadership position. One may be hired as a junior leader after only two years experience if it is determined that the individual possesses the experience, skill and maturity for such a position (after linesman and extraman years).
 - d) Quartermaster: Usually reserved for individuals with three or more years of experience with TCR. The quartermaster is primarily responsible for food and supply planning on an expedition.
 - e) Packmaster: Usually reserved for individuals with three or more years of experience. The packmaster is primarily responsible for the burros, saddles, packs and related equipment, and assuring that all trip participants are properly trained in the proper handling and maintenance of these animals and equipment.
 - f) Chief: Overall leader of an expedition.
 - g) Junior leaders and higher ranking positions are salaried. At least one staff member will be Wilderness First Responder (rescue CPR certified inclusive) or EMT Basic, with valid and recognized certificates.
8. Fire Control Plan – See Exhibit 2 to this operating plan.

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. This 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. In the case of a trail with numerous obstacles over considerable portions of its length, such as a trail overgrown with brush due to sustained lack of maintenance, or following a fire, holder shall request and obtain specific authorization prior to commencing removing such obstacles.
- 2. The permit holder must obtain prior approval for the performance of any trail maintenance (other than removing obstacles) on National Forest System lands.

3. All non-wilderness trails, routes and roads available for commercial pack stock use are identified in Table 2.3 in the 2006 Permit Issuance FEIS.
4. Cross country travel is allowed in all areas outside the the AA/JM Wildernesses and outside of identified high density recreation areas, except where resource impacts are identified (HDRAs mapped in 2006 FEIS, Appendix J).

E. Base Facilities and Site Maintenance

1. 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.
2. Pinyon Creek Base Camp facilities include: a corral and a ditch diversion and pipe in creek, and a 15' diameter concrete lined pool.

IV. DESCRIPTION OF OPERATION

A. AREA OF OPERATION: Kennedy Meadows (Golden Trout Wilderness) region in the south to the Bloody Canyon (Ansel Adams Wilderness) region in the north, High Sierra mountain range. Operations also include a two to three week base camp from approximately mid June to early July located at the Pinyon Creek road end, west of Independence, CA (see "Description of Operation" for further information).

B. HISTORY OF OPERATION: The Three Comer Round Pack Outfit, Inc. (TCR) has been running an annual expedition style pack-trip through the High Sierra every year since 1919, excepting the years 1943-1945,, 1955-1956 and 2011.

C. MISSION GOALS, OBJECTIVES: It is the goal of TCR to provide a healthy, rugged and safe extended wilderness experience for teenagers in which the participants grow both emotionally and physically. The emphasis is on minimum impact/Leave No Trace camping in conformity with the National Park and National Forest wilderness regulations, stock use and grazing regulations, wilderness meadow forage area guidelines, and currently published Leave No Trace outdoor skills and ethics booklets ("Sierra Nevada" & "Backcountry Horse Use" specifically).

Campers will learn all necessary camping skills including cooking, hiking, packing, and animal handling and care, both in a desert environment and in a high altitude (over 10,000 ft.) mountainous setting. Maintenance of fence lines around the TCR lease, wrangling burros, branding and breaking bronc burros to a pack saddle are experiences which involve new skills for most campers. Campers may also learn additional skills depending on individual interest, including fishing, mountain climbing (up to class 3, as described in The Climbers Guide to the High Sierra, published by the Sierra Club, with training on class 4), astronomy, geology, botany, zoology, etc.

Individual, team based and leadership skills are developed, with group members learning from each other and using the skills and abilities of all in order to complete the expedition's goals. Outcome evaluation is principally subjective, deriving from the responses of the individual campers. If a camper believes that (s)he has had a productive, interesting, and enriching summer, then the outcome is positive. In a High Sierra setting, physical conditioning is an inevitable consequence of vigorous daily activity. If a camper returns at the end of the summer with a sense of independence, confidence in accepting and carrying out responsibility and leadership roles, a sense of the value of interdependent teamwork, and an appreciation of the beauty and value of some of this country's most remarkable wilderness, then the TCR experience has been a success. These lessons leave those who have learned them better able to handle the trials and tribulations of life in what passes for the civilized world.

TCR's unique educational program in the High Sierra has been instilling team and leadership skills, along with a tremendous appreciation and respect for the natural environment, in young men and women for several generations now. Since 1919, hundreds of these participants have been exposed to this pristine natural wilderness and are better for it. They carry this experience with them into their daily life and throughout their lives.

D. DESCRIPTION OF THE OPERATION:

TCR is an endowed not-for-profit organization whose principal activity is sponsoring an annual 60-day expedition-style trip through the backcountry of the High Sierra for boys and girls aged 13-18. TCR utilizes recreational pack stock, unshod burros, for its educational trips into the wilderness.

Party size in recent years has varied from 6 to 12; the number of burros utilized from 12 to 20. The number of service days, start and end dates, trails and routes used, camping and grazing areas, etc., are addressed in the trip itinerary, submitted June 1 of each year to the Forest. TCR works closely with both the Forest and Park Service to finalize the itinerary prior to entering the backcountry. An end-of-year recap of the itinerary will be submitted within **30 days** of the end of operations.

Resupply during the trip is accomplished by using a commercial pack station operating in the area of the needed resupply or by having the outfit leave the wilderness for a day to do a self resupply. The trip will resupply at least once during its duration.

Injured burros are removed from the mountains to an Owens Valley veterinarian. Burro fatality is handled in strict conformance with Park and Forest Service rules and regulations.

The camp operates from approximately mid June through mid August in order to accommodate the campers school schedules. Campers spend the first two weeks in a primitive base camp located in the Owens Valley near Independence, California, which has been utilized since the 1930s. The early part of this period is spent getting the participants in shape for the trip to come; teaching them how to saddle, pack and lead the burros that they will be responsible for over the following weeks, basic camping, climbing, safety and first aid skills, showing them how to cook for a group of approximately 9 people at high altitude, and instructing them in low-impact/Leave No Trace camping techniques. The campers are immediately thrown into a primitive camping experience where they sleep under the stars without the benefit of tents and learn to cope in the natural environment.

After base camp, the group heads into the wilderness for approximately six weeks straight. Once in the backcountry, the importance of working as a team becomes critical. All the members of the group must operate as a team for a successful trip. At the same time, individual leadership skills are developed by the campers while on the trip.

The traditional TCR backcountry camp is located above 10,000 feet, away from other people, in an area where a watchful eye can be kept on the burros and the impacts of our operations can be minimized. TCR will move camp approximately every 4 days while in the backcountry. TCR utilizes existing, approved trails when traveling.

Once in a camp, TCR will carry out a number of activities during the stay. Climbing of peaks in the area, swimming, fishing, overnight backpacking, identifying and studying the geology, botany, zoology and astronomy of the area (augmented by our science library and telescope), are all activities that take place while in the backcountry.

As mentioned earlier, TCR uses burros to carry out its extended backcountry educational program. Unlike horses or mules, burros are unshod and therefore have a lower impact on the areas in which they travel. Burros also exhibit a different grazing pattern than horses or mules, constantly moving while they eat and, therefore, not overgrazing an area. Burros also, as previously mentioned, stay away from wet meadows, preferring to eat dry bunch grass. Burros will browse as opposed to graze on the bunch grass, only eating the very top off of the blades while leaving the rest of the plant intact. In terms of impact, burros are very similar to "nontraditional" recreational packstock such as llamas. Also, since TCR is a hiking/walking group (burros are used exclusively for carrying equipment and food), we go through the trouble of removing any animal waste from the trail while marching.

TCR strongly emphasizes and cultivates in the campers a deep respect and appreciation for the natural world that surrounds them

TCR's range of operation within the Sierra is rather extensive, covering an area which includes the Ansel Adams and John Muir Wildernesses in the North, to the Golden Trout Wilderness in the South. Each year the trip takes a different route, making it very unlikely that TCR would be in the same camping area more than once every three to five years. When we leave a camp, it is very difficult for others to tell where we were set up.

Even while in a camp, it is difficult for others to find us since we blend into our environment through the use of naturally colored equipment, we don't use tents, and only occasionally build small fires. TCR clearly takes the concept of "Leave No Trace" very seriously. The organization has changed with the times as our society has changed: We no longer use wood fires for our cooking, utilizing camp stoves instead; we have replaced older heavy equipment with new lightweight gear in order to reduce the number of burros we need to carry out our trip; instructors are now required to have EMT basic or Wilderness First Responder Certifications; though we have always tried to minimize our impacts in the backcountry, we now emphasize low impact/Leave No Trace camping techniques in our curriculum. TCR has also worked very closely with the Forest and Park Service through the years in carrying out special projects and requests. The outfit has always made itself available on short notice if assistance was needed, but we have also carried out more extensive projects and hope to continue to do so in the future.

TCR's Risk Management Plan is included as Appendix G to the permit.

V. AUTHORIZED USE

A. AA/JM Wilderness

1. Priority use is identified in Amendment 1 to the special use permit.
2. Three Corner Round Pack Outfit has no areas designated as "red" on the Forest Service's "Use-Overlap-Impact Analysis" within its typical area of operations. Refer to Exhibit 7, which displays the entire allocation for each area. Exhibit 8 displays maps of the "red" areas.
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. All 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.
5. Temporary service days authorized in the 2001 Wilderness Plan are not available for commercial pack stock services.
6. Permittees are not authorized to borrow or purchase service days from another pack outfit.
7. Except for public corrals at trailheads, permission to hold stock at trailheads overnight is required in advance.
8. 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 criteris:
 - a) Use must meet a need identified in the needs assessment.
 - b) Trips in these 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 specialists must review the proposed use to assure it is consistent with resource objectives..
9. **Prior itinerary approval is required for any trip outside the normal area of operations.**
10. **ONE SERVICE DAY POOL has been established for all commercial pack station operators. The amount of use available is shown below. See Exhibit 1 for eligibility criteria for use of pool days.**
 - a) Day use: 256 service days
 - b) Overnight use: 956 service days

B. Non-wilderness Use

1. Day ride services, if authorized, are regulated by total herd size and are restricted to authorized routes.
2. Camp in existing sites only, unless otherwise specifically approved by the District Ranger.
3. **Prior approval is required for any trips outside the normal area of operations.**

VI. FEE DETERMINATION

A. Land Use Fee

At the annual TCR Board of Trustees meeting the full pay and partial pay tuition fees are finalized. Scholarship ranges and sources are also determined. Gifts, donations and grants are usually unknown until September of each year. Fees are based on Option B, 3% of the gross revenue.

B. Assigned Site Fee

1. Assignment of an Assigned Site is at the request of the permit holder. 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. Rates will be revised every 3 years. Assigned fees will not be prorated. Refunds or credits will not be authorized for assigned fee sites.
2. Pinyon Creek Base Camp is considered an assigned site. An initial fee of **TWO-HUNDRED DOLLARS AND NO CENTS (\$200.00)** shall be charged for the occupancy of National Forest System sites assigned to the holder. This fee shall be adjusted once every three years, beginning with calendar year 2009. Assigned site fees shall not be prorated; the holder shall pay the full annual fee for each assigned site. No refunds or credits will be given for authorized but unused assigned sites.

C. Monitoring Fee

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.

D. Pasture Grazing

1. There are no pastures on National Forest System lands authorized for use by TCR in conjunction with permitted operations.

E. 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.

VII. MANAGEMENT OF COMMERCIAL PACK STOCK IN YOSEMITE TOAD BREEDING AND REARING HABITAT

A. Pack stock grazing and entry is prohibited in occupied Yosemite toad breeding and rearing habitat throughout the breeding cycle (through metamorphosis).

B. 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.

C. 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).

D. 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.

E. The Forest Service will notify Holders of the period of closure after the California Department of Water Resources Bulletin 120 is issued May 1.

VIII. 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 is prohibited in meadows containing streams that are rated as Functional-at-Risk (“FAR”) with downward or unknown trends. See Exhibit 6, Grazing Management for FAR Meadow Closures. (INF maps provided with July 14, 2008 correspondence from Jim Upchurch and SNF maps provided with May 20, 2009 correspondence from Margaret Wood). There have been no changes to the status of any meadows administered by the Sierra National Forest. There have been no changes to the status of any meadows administered by the Inyo National Forest. Contact your permit administrator if additional copies are needed.
3. Holders 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. Forest Orders for the wilderness on-dates will be annually revised to establish annual grazing start dates and grazing closures, as well as other pack stock use regulations for pack stock parties.

7. 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 th at 9,000 feet elevation and August 15 th at 10,000 feet elevation
Wet Year	Grazing start dates could be delayed 15 to 30 days

The following table shows 2013 on-dates for the Inyo and Sierra National Forests. The Inyo National Forest Orders will apply to area of the Sierra National Forest administered by the Inyo National Forest.

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

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. GT/SS Wilderness Grazing

1. Grazing incidental to trips in the GT/SS Wildernesses is authorized except in locations determined to be unsuitable. Areas currently identified in the Golden Trout Wilderness as unsuitable for grazing are:
 - a) Volcano Meadow
 - b) South Fork Meadow (headwaters of South Fork of the Kern River)
 - c) Bullfrog Meadow
 - d) Fat Cow Meadow
 - e) the lower end of Big Whitney Meadow (below the confluence of the two main tributaries),
 - f) Big Dry Meadow (near Gomez Meadow),
 - g) parts of Ramshaw Meadow are closed; Grazing is allowed in Ramshaw Meadow near Kern Peak Stringer
 - h) South Fork Meadows (on Cottonwood Creek) and Overholster Meadow (on Little Cottonwood Creek)
 - i) No unsuitable areas are currently identified in the SS Wilderness.
2. Range readiness will be determined by standards as identified in the 1988 Inyo National Forest Land and Resource Management Plan (pg. 85).
3. Pack stock streambank trampling associated with grazing in the GTW may not exceed total streambank alteration standards identified in the INF LRMP (1988) (pg. 78-9). The standard in areas outside of state designated wild trout waters is 20%. **In drainages designated as wild trout waters, streambank alteration may not exceed 10%. The majority of the watersheds in the GT/SS Wildernesses managed by the INF are designated as wild trout waters, including all areas that drain to Cottonwood Creek, Golden Trout Creek and to the South Fork of the Kern River.**
4. Pack stock grazing utilization standards would be determined using Inyo LRMP Amendment #6 in the GT/SS Wilderness Areas. These standards were designed to be adaptive and provide for accelerated restoration and improvement of degraded range sites as well as to maintain those sites currently in a fully functional condition. Exhibit 10 contains a listing of key meadow areas and corresponding utilization standards.

C. 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(c).” Loose herding shall be done in such a manner as to minimize impacts to trails and campsites and to other forest visitors.

D. 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.
2. The Holder shall notify the Forest Service of the within 48 hours of the death of the animal, including the location and requested method for disposal.

IX. TRAVEL MANAGEMENT

A. High Density Recreation Areas

1. Use within the HDRAs is limited to approved routes shown below. No cross country travel is permitted within HDRAs shown in Appendix J of the 2006 Permit Issuance FEIS.

B. Non-wilderness outside HDRAs

1. Cross Country travel is approved outside of identified high density recreation areas shown in Appendix J, 2006 FEIS, except where resource concerns have been identified
2. **Any trip or service outside the normal operating area requires prior itinerary approval.**

X. 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.

XI. INYO NATIONAL FOREST 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.

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.

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

XIII. LIST OF EXHIBITS

Exhibit 1 - Service Day Pool Use Criteria

Exhibit 2 - Fire Control Plan

Exhibit 3 - Annual Weed Checklist/Plan

Exhibit 4 - Approved User Created Trails

Exhibit 5 - Approved Wilderness Trails for All Uses

Exhibit 6 - Yosemite Toad/FAR Meadow Closure Maps

Exhibit 7 – "Red Area" Use Allocations

Exhibit 8 – Use-Overlap-Impact-Analysis "red area" Maps

Exhibit 9 - GT/SS Restricted Camping/Designated Sites

Exhibit 10 - GT/SS Key Meadow Utilization Standards

- END -

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

² 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.