The 3 Creeks Grazing Allotment: A Study of Livestock Grazing Management Across Public and Privately Owned Land

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THE 3 CREEKS GRAZING ALLOTMENT: A STUDY OF LIVESTOCK GRAZING MANAGEMENT ACROSS PUBLIC AND PRIVATELY OWNED LAND

by

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A plan B paper submitted in partial fulfillment of the requirements for the degree of

MASTER OF SCIENCE

in

Range Science

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2011
ACKNOWLEDGMENTS

I would like to thank my professors and advisory committee for their help in the completion of this master’s degree. I have had the unique opportunity to work in circumstances that allowed me to develop professional skills and experiences that I feel most masters students do not commonly get.

I would also like to thank the multiple agencies and their employees who were involved in this project for their far reaching cooperation and collaborative attitude which made this masters degree a success. Above all, Bill Hopkin and Troy Forrest from the Utah Grazing Improvement Program helped in making sure that I could get the most up-to-date information when I was summarizing and documenting the steps necessary in planning the 3 Creeks Allotment Project.

The collaborative cooperation of all of the agencies has been a great success and an ideal model for future grazing allotment consolidations.

Taylor M. Payne
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EXECUTIVE SUMMARY

Livestock ranching is the most common use of public rangeland in the western United States (Gates, personal communication). The newly formed 3 Creeks Grazing Allotment which consists of 136,000 acres and has 29 permittees serves as an example of scientifically based public land management using grazing livestock as a management tool. It is believed that livestock grazing is the most underutilized tool in natural resource management (Hopkin, personal communication). The newly formed allotment will consolidate nine separate allotments into one management unit. This unit is holistically developed to sustain grazing livestock and rural economies while benefitting the range resources including wildlife that are found within its boundaries.

Multiple public land management agencies have collaboratively worked together to implement the principles of intensively managed grazing directed by the Utah Grazing Improvement Program’s technical committee. These principles are:

- Grazing impacts are managed by controlling the time (duration), timing (season), frequency, and intensity of grazing.
- Managing plant communities through grazing, mechanical, fire, chemical, and other means enhances plant and animal diversity and production (diversity = sustainability).
- Adaptive management requires vegetation monitoring.

These principles were the basis in accomplishing the planning of this watershed scale project. While using these grazing principles, other major obstacles have been overcome such as drafting grazing management plans that prioritize rangeland health and not just political boundaries or environmental agendas. This general theme of following the technical committee’s recommendations allows proper management to be accomplished and traditions to be replaced with scientific decision making.
Several different agencies, private companies, and individual landowners are encompassed in this major range management project. While the scale of this project has increased the management, size, economics, and opportunity, special rules and understandings have been created to manage this consolidated unit as one system. The consolidation of multiple land ownerships and particularly private land across numerous allotments makes this a unique watershed scale project. Each land entity will be part of the entire management system without losing its individual identity as a steward to the resources it encompasses.

Each permittee inside the consolidation will agree to function under an operating agreement that outlines management plans, governing language for the consolidation, and explains the important role of the private property that lies within the consolidated boundaries without taking away any ownership responsibility from the included permittees who own most of the private holdings. Private property rights will not be lost, but are greatly valued and assist the overall success of the 3 Creeks Grazing Allotment.

The principles used and the knowledge gained by this project will become a pattern of integrated natural resource management that can set an example to future watershed scale projects. The information gathered in this document provides an example of how to successfully plan and budget for a watershed-scale grazing management plan across multiple land ownerships. It details important steps taken to build collaboration and understanding between federal land grazing permittees potential partners and the agencies involved.
CHAPTER 1

INTRODUCTION

Rich County is located in the northeastern corner of Utah where ranching is historically the most common economic activity with cattle numbers ranging in the tens of thousands.\(^1\) Traditionally, cattle and sheep producers in Rich County possess permits to graze animals on upland ranges administered by the Bureau of Land Management (BLM), the United States Forest Service (USFS), Utah School and Institutional Trust Lands Administration (SITLA), and/or privately owned land during the summer grazing season (Mundy, Gates, personal communication). The permitted allotments where these livestock graze are often under-managed by ranchers who are unable to make dramatic changes in their grazing plans due to financial, legal, and technical complications (Staggs, personal communication).

Rich County faces pressure from public land managers, rangeland users, and other interested parties with multiple competing goals.\(^2\) This pressure stems mainly from environmental groups who hold the land management agencies to a higher-than-required standard of attention to range health. Litigation and legal precedence influences are the main goal by which the polarizing groups have used to accomplish the objectives in which they believe are best for the general good of the land they protest about. The agencies involved are legally required by the National Environmental Policy Act to listen to comments from all interested groups. Each comment given to the agencies must be evaluated for merit and prudent content while working towards accomplishing management objectives outlined in overall management plans. In the case of the newly formed consolidated allotment, the agencies will need to evaluate all comments received while striving to work towards following the principles outlined by the UGIP technical committee.
In an attempt to follow the principles but alleviate some of these pressures, permittees who own permits to graze on allotments west of Randolph, Utah, have been approached to consider a consolidation project that uses their cattle and sheep like tools to manage watershed-scale areas while sustaining the traditional rural economy (See Appendix D). Such collaborative approaches have gained momentum as a means to improve the likelihood of win-win situations in previously gridlocked, controversial areas, such as public lands grazing.\textsuperscript{3,4,5} Collaboration facilitates communication and trust so that disparate individuals can find common ground to achieve mutual goals and to adopt innovative management strategies.\textsuperscript{1}

**History of Rich County Grazing**

Before innovative management strategies were explored to increase sustainability, many differences should be noted of historical practices of public lands grazing in Rich County. After the time these allotments were created in 1954, the permittees turned cattle out during the entire grazing season and brought them back in the late fall to their respective home ranches. Several allotments experienced negative effects from this practice and some were phased into a management style where the BLM focused on range readiness which essentially pushed back the date that permittees were allowed to turn their cattle out into the allotments. Range readiness was the tool used by the BLM on all allotments which were commonly managed under season long use. To accommodate range readiness indicators, the BLM would direct permittees to turn cattle out on range in two halves as a management strategy. The first half would go on May 1 and the other half would typically be turned out on May 15 to alleviate pressure on range that wasn’t totally ready for full stocking rates.

Cattle were allowed to stay out on range until October, but now return to the base ranches earlier to alleviate pressure on riparian areas and to reduce chances of overgrazing. The stocking rates of cattle on the ranges across the allotments have also been reduced dramatically because it
was believed that reducing permitted numbers on these sensitive areas was a solution to fix these problems.

Large numbers of sheep also inhabited Rich County allotments where they would be grazed in the winter time through June 1 across the sagebrush ranges. In areas from the Woodruff Pastures to Sage Junction, there were approximately 5,000 to 9,000 sheep wintering on the sagebrush. They reduced sagebrush but also ate a lot of grass during the spring of the year creating conflict among stockmen for grazing resources. However, large populations of sage-grouse and mule deer benefitted nutritionally from the plant diversity created with heavier use of sagebrush by the sheep. There is a direct correlation between the number of sheep grazed on the range and the numbers of sage-grouse and mule deer that populated the ranges in Rich County at that time. All three species have experienced declining populations since the early formation of grazing allotments in Rich County. To this day the sheep numbers continue to decline because of unfavorable economic conditions for producers who have historically run sheep in Rich County.

Since the reduction of AUM numbers have been imposed on grazing permittees in Rich County by the land management agencies, many of the same range health indicators like riparian areas have not dramatically improved. Critical wildlife populations such as sage-grouse have declined, and permittees face increasing pressure to implement the same ideas of reducing AUM numbers or season of use on each allotment. Innovative ideas have been used on similar rangelands like those managed by Deseret Land & Livestock that implement intensive management using livestock as tools to improve range health and increase critical wildlife populations. This report is an example of how public and private lands have been molded together without significant modifications to previously established allotments to function as one management unit using the Deseret example.
Objectives

The purpose of this project is to create a guide for livestock producers and public land managers to document the steps taken to create this watershed-scale project in Rich County that consolidates nine different grazing allotments into a single management unit. Called the 3 Creeks Grazing Allotment, this project combines grazing management for 3,200 head of cattle and 2,000 head of sheep on 136,000 acres of BLM, USFS, SITLA, and private land in order to address issues such as riparian health and sustainable grazing management. A cooperatively managed consolidation project like this has never been considered across rangeland that combines a multitude of allotments to achieve enough pastures without building a large amount of fence to accomplish the management purpose. It is also unique because it combines USFS, BLM, SITLA, and private land including the 29 permittees in all associated with this project. No other allotment consolidations similar to the 3 Creeks Allotment that covers so many dimensions are known to have occurred (Hopkin, personal communication). By documenting the steps taken to complete such a large consolidation, this project could be a model for future allotment consolidations.

Study Questions

If other agencies plan to implement a consolidation project similar to the 3 Creeks Grazing Allotment, information gained from the Rich County project will decrease planning time and suggest procedures to use. The intent is that this report will serve as a reference for future grazing consolidations, especially those involving public land. What follows are a list of acronyms to help the reader understand the abbreviations used in this report, a literature review, and a series of guiding questions related to the consolidation process.
List of Acronyms

UGIP- Utah Grazing Improvement Program

“UGIP is a division of the Utah Department of Agriculture and Food established to improve the productivity and sustainability of rangelands and watersheds for the benefit of all”- Mission Statement.6

NEPA- National Environmental Policy Act

“NEPA requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions.”7 The NEPA will force the public agencies to get public involvement.

USDA- United States Department of Agriculture

“Federal protection of American agriculture.”8

SITLA- School and Institutional Trust Lands Administration

“SITLA was created to manage 12 real estate trusts granted to the state of Utah by the United States at statehood.”9

BLM- Bureau of Land Management

The BLM is responsible for carrying out a variety of programs for the management and conservation of resources of 42% of the land in the state of Utah. BLM makes up 24.5% of Rich County (Johnson, personal communication).10

NRCS- Natural Resource Conservation Service

“NRCS works with landowners through conservation planning and assistance designed to benefit the soil, water, air, plants, and animals that result in productive lands and healthy ecosystems.”11
CRM- Coordinated Resource Management

“CRM is a stakeholder consensus decision-making process. Stakeholders are any interest with a stake in the consequences of the decision. In this process, the stakeholders make decisions by consensus, rather than by traditional voting and majority rule.”\(^{12}\)

EA- Environmental Assessment

“Is an assessment of the possible positive or negative impact that a proposed project may have on the environment, together consisting of the nature, social and economic aspects.”\(^{13}\)

EIS- Environmental Impact Statement

“A document required by the National Environmental Policy Act (NEPA) for certain actions ‘significantly affecting the quality of the human environment.’ An EIS is a tool for decision making. It describes the positive and negative environmental effects of a proposed action, and it usually also lists one or more alternative actions that may be chosen instead of the action described in the EIS.”\(^{14}\)

UACD-Utah Association of Conservation Districts

“The Utah Association of Conservation Districts is the state voice for Utah's 38 conservation districts and works to educate and support the work of 190 local elected supervisors and their staff.”\(^{15}\)

UDWR- Utah Division of Wildlife Resources

“The Utah Division of Wildlife Resources (DWR) is part of the Utah Department of Natural Resources (DNR). In addition to managing and protecting Utah's wildlife, we manage hunting and fishing opportunities within the state.”\(^{16}\)
The United States Forest Services manages 52,219 acres of land in Rich County and approximately 8.2 million acres of land or 15% of the State of Utah (Banner, personal communication).
CHAPTER 2
HISTORY AND BACKGROUND

**Summary**- Legal appeals to BLM allotment grazing permit renewal decisions were filed in 2001 on behalf of the Western Watersheds Project and the Southern Utah Wilderness Alliance. The appeals were filed with a stay that would not allow cattle and sheep to be turned out on allotments following grazing season unless permittees were able to reverse the stay. Permittees from across northern Utah combined resources and hired legal help and successfully accomplished lifting the stay prohibiting their livestock to graze on the BLM allotments. An appeal committee was created in Rich County to help fight against the assault on public land grazing which eventually formed into the Rich CRM committee made up of allotment representatives, county government officials, and government agency representatives. The CRM was formed after a proposal was presented and voted upon by the county’s permittees. Innovative new ideas and projects were proposed at the CRM meetings. Kevin Conway, DWR Director, asked why the public land in Rich County couldn’t be better managed more like Deseret Land and Livestock which is known for exemplary wildlife management and livestock grazing. It was concluded that allotment consolidation was necessary to accomplish better management, and the process of planning the 3 Creeks Allotment was started.

**Rich Coordinated Resource Management**

Rich County has experience with novel approaches to integrated resource management. One program is the Coordinated Resource Management (CRM) group (Weston, N. personal communication). The CRM is a group composed of stakeholders focused on collaboration which exploits their ties to external funding agencies and resources to encourage change by favoring positive economic incentives over the use of rancher income and/or coercion. Results show that Rich County’s CRM increases capabilities for implementation of conservation projects from its
partners, but also increases risk of project failure due to loss of outside funding or unanticipated changes in staffing or policy.17, 18, 19

Nevertheless, several key issues involving natural resource concerns and the management involved with them have continued to make the Rich County CRM a valuable presence. The Rich County CRM further explains:

“With an increased awareness of ecosystem health and the decline of sage-grouse populations and other species, additional interests have begun to seek ways to influence management on public and private ground. These interests have included the Utah Audubon Society, Utah Trout Unlimited, Western Watershed Project, and the Southern Utah Wilderness Alliance.

The latter two groups have indicated that their strategy will be focused on legal means. They appealed the renewal of Bureau of Land Management grazing permits and following the denial of their appeal they have filed suit to block grazing on much of the BLM lands in the county. County residents and groups with wildlife interests saw this decisive strategy as a serious threat to improving land management and sensitive wildlife habitat, believing that a collaborative effort will yield far greater change at landscape levels.

Rich County livestock operators met and requested that the County Commission convene a process by which livestock interests, wildlife interests, and agencies could collaborate on changes on land management and ultimately realize improved resources. The Rich County Coordinated Resource Management program held its first meeting June 20, 2002. Since then they have been following the CRM process.”20

Legal Appeals on BLM Allotments

Before the Rich CRM was created, many events occurred that helped pave the way for the CRM to come into existence. In 2001 Western Watersheds Project (WWP) and the Southern Utah Wilderness Alliance (SUWA) filed one large blanket suit that protested the renewal of permits to graze on public land across three northern Utah counties. Box Elder, Tooele, and Rich Counties were all affected. All but three BLM allotments in the northern Utah counties were protested against which also carried a provision in the suit asking for a stay that would prohibit the permittees from turning their cattle out to graze into the next grazing season and beyond.

Permittees affected by the suit across the three counties formed together and collaboratively decided to hire an attorney named Karen Budd-Fallen. Mrs. Budd-Fallen was able to get
the stay thrown out allowing the permittees to turn out their cattle and sheep as they took their case to the Interior Board of Land Appeals (IBLA). The IBLA is an appellate review body that exercises the delegated authority of the Secretary of the Interior to issue final decisions for the Department of the Interior. Its administrative judges decide appeals from bureau decisions relating to the use and disposition of public lands and their resources, mineral resources on the Outer Continental Shelf, and the conduct of surface coal mining operations under the Surface Mining Control and Reclamation Act.21

The permittees were still under appeal but with the stay thrown out it allowed time for the BLM to work on a defense for the permit renewals. The permit renewals were completed in 2002 at which time SUWA pulled out of the suit. There was still however a great deal of disagreement between the BLM and WWP for some time but they were able to settle without going to court in 2004. These steps helped to initiate the beginning of the Rich CRM to better manage natural resource challenges.

There was an original group that met together in Rich County at the time of the grazing appeals. This group or committee that met was not originally the CRM committee but an appeal committee that was made up of representatives of each allotment that was being appealed. Bill Hopkin was a committee member and ranch manager of Desert Land and Livestock at the time, and he solicited the help of Kerry Petersen who was the Commissioner of Agriculture for the State of Utah, as well as Booth Wallentine who was the CEO of the Utah Farm Bureau during the appeal. The three met and discussed options for what necessary plans should be taken for the appeal committees in Northern Utah, but especially Rich County. The group decided that the appeal committee needed to hold a meeting with all the permittees at the Rich County courthouse to discuss options involving their appeal and the permits that are vital to their operations.

During the meeting many options were discussed and presented like fighting over each permit on individual allotments one at a time, or staying idle to let the BLM handle the situation.
At the same meeting, the idea for a CRM process was introduced and briefly explained. There was interest in the idea of creating a CRM and Bill Hopkin pursued information and help to further discuss the idea for the Rich County CRM.

Mr. Hopkin called the Wyoming Commissioner of Agriculture and asked about their success they have had in their state with the CRM process. After a lengthy conversation a representative named Dennis Sun who had great experience in CRM processes was sent from Wyoming to assist Rich County permittees in answering more questions about how it could help them and possibly how to get it initiated in Rich County.

In a following meeting, Commissioner Petersen and Mr. Wallentine were accompanied by Dennis Sun and Utah State Extension Range Specialist Roger Banner to present the CRM process and why it would be important for the permittees. Presentations were given to the permittees who were at least 90% represented inside the packed courthouse. Honest opinions were given by Dr. Banner and others about the permittees management levels which were being critiqued at the time. Dr. Banner challenged all the permittees to start working more closely with the BLM and USFS to help in solving range problems. Towards the end of the meeting, an older gentleman named Sim Weston who was the un-proclaimed patriarch of traditional cattle ranching in Rich County and a Cumberland Allotment permittee stood up and said,

“Well let me tell you something boys, I’ve spent my whole life fighting against this deal out on the Cumberland, I swore they’d build a fence out there over my dead body but I’m still alive and we’ve got fences! (He talked about the implemented 4 pasture rotation, and it happened to be a dry year) Our cows are still out there. If we didn’t have those fences we’d have been home by now, so I’d suggest you ought to think about working with those guys.”

After much discussion, the Rich CRM was formed that night by the Rich County Commission (Hopkin, personal communication).
Idea for Allotment Consolidation

The Rich CRM Committee would prove to be a valuable asset which would eventually lead to initiating ideas for the creation of the 3 Creeks Grazing Allotment. In 2002, Kevin Conway who was Director of UDWR (Utah Division of Wildlife Resources) and Rich CRM Committee member had been spending a considerable amount of time on Deseret Land and Livestock (DL&L). Mr. Conway specifically spent his time evaluating the management of DL&L and discussed with Bill Hopkin and Rick Danvir (the wildlife biologist) incentives for landowners for improving wildlife habitat. Mr. Conway appreciated the DL&L management style and understood the key relationships that managed grazing practices have with wildlife production. He spent considerable time on the ranch and could easily see the nutritional benefits to wildlife from intensively managed time controlled grazing.

On one occasion before a Rich CRM meeting Mr. Conway worked with the DL&L management team and compiled information and important data about increased wildlife populations and its relationship to DL&L time controlled grazing. At the time of the meeting Mr. Conway waited until regular CRM business was complete and then asked if he could take some time. Mr. Conway brought in data from DL&L that displayed increasing sage-grouse lek counts, mule deer populations, cattle stocking rates, and more. He asked the CRM Committee to acknowledge what has happened on DL&L because of management. Mr. Conway then asked, “I want to know why that can’t be done on public land?” Questions were immediately raised that good management can’t happen because of it being public land, where Mr. Conway immediately responded that, “Attitudes like that aren’t good enough! We own that public land, we ought to be able to make this happen.”

Bill Hopkin was in attendance at the meeting that night and he sat back and asked the CRM group to just dream a little bit. He brought up all the allotments that were under appeal and how none of them were big enough to have a management plan like Deseret, and then he asked,
“What if you combined them all?” He then asked the group, “If you combined all the allotments and their pastures inside them, how many pastures would you have without building any new fences?” (See Appendix D) The group responded with an approximate figure of 20-25 pastures. Mr. Hopkin then asked, “Could you manage like Deseret’s managing?”- thinking about utilizing intensive rotational time-controlled grazing with incorporated rest periods for certain pastures each year.

Doubts then arose about the idea and how hard it would be to make it work from the permittees in attendance at the meeting. Immediately after the doubts were raised representatives from BLM and the USFS spoke up saying that they weren’t so sure that it couldn’t happen, because there were already smaller allotments in Rich County that possessed some of the characteristics that permittees originally doubted like working with multiple agencies inside just one allotment. Wildlife management was then brought up and considered for a possible closed entry unit where tags could help in paying for maintenance cost after hypothesized populations were built up and managed utilizing the time controlled grazing. The original ideas that initiated the creation of the 3 Creeks Grazing Allotment essentially started from Kevin Conway and others who were committee members of the Rich CRM (Hopkin, personal communication).

**Rich CRM Revisits Allotment Consolidation**

In the years following the proposed allotment consolidation idea, many members of the Rich CRM Committee changed and other issues were dealt with concerning topics such as sage-grouse management plans and how they affected the permittees of Rich County. Bill Hopkin had moved away from the county for a period of time and returned to Rich County in November of 2005. After Bill returned, he received a call from Alvin Shaul who is a CRM Committee member and local permittee asking him to go to a CRM meeting with him. They both attended the meeting and listened to the current sage-grouse issues and how they may affect the grazing in Rich County. After the meeting was over Mr. Shaul asked Bill, “Do you remember when we talked
about that idea of consolidating all those allotments? We’ve got to do that! That’s the answer to all this sage-grouse issue. We can’t change our management the way we’re operating now, we’re in trouble, look at our riparians!” Bill then asked Alvin, “Do you know how hard that is going to be?” After which he listed convincing a huge amount of permittees to change, including private ground, and working with the different agencies involved, but knowing that it would work himself. He then asked Alvin, “Are you ready to take that on?”

Mr. Shaul agreed to pursue the project further knowing how hard it could be and accepted an assignment from Mr. Hopkin to select a major permittee from each allotment to run this idea across. Alvin charged forward and talked to several major permittees across several allotments on the west side of Rich County in just a week’s time and reported to Bill that several of the guys were interested in the idea.

Months passed and in 2006 the Utah Grazing Improvement Program, which is part of the Utah Department of Agriculture and Food, was formed in which Bill Hopkin was hired to be the state director. Other employees were hired as well like Troy Forrest who would be in charge of the grazing improvement projects in the Northwest region of Utah including Rich County (Forrest, personal communication). Bill and Troy re-evaluated the original idea of consolidating the allotments for increased management and began the planning process with the multiple land management agencies involved. Bill and Troy also coordinated their contacts from the multiple agencies to initiate collaboration. Meetings with Alvin Shaul and several other key permittees continued where they started drafting ideas for the creation of the allotment consolidation that Kevin Conway and the early members of the CRM Committee dreamed of. Several representatives from the land management agencies attended planning meetings but were very doubtful about the consolidation’s success. Mr. Shaul acted as the local leader and persisted until other representatives came along from the BLM and USFS as well as me from the UACD. It helped to have aggressive agency employees to help in planning and moving the project along where progress
gress was felt by the individuals who have been involved with the project’s creation. The enthusiastic agency employees evaluated and supported the ideas, finding great potential for improvement across the ranges which have historically struggled (Gates, personal communication). (Appendix E).

**The Purpose Behind 3 Creeks Allotment**

The 3 Creeks Allotment was created in response to a challenge that was originally brought up in 2001 by Kevin Conway during a Rich CRM meeting. As a result of the questions he brought up, ideas were formed and the idea of consolidation using DL&L as a model began. Deseret (DL&L) is located just south of the ranges where Alvin Shaul and other permittees currently have their ranches and graze during the summer months. DL&L has long been a premier large scale property known for its aesthetic beauty, abundant and diverse wildlife populations, and commendable livestock and range management (Hopkin, personal communication). After managing DL&L, Mr. Hopkin has extensive experience using livestock as management tools on a watershed-scale basis (Hopkin, personal communication). It was important to use Bill’s experience in planning for the 3 Creeks Allotment.

**Other Consolidations in Rich County**

A collaborative effort such as that proposed for the 3 Creeks Allotment is a big change for a rural county like Rich County. More traditional methods of coordinated management by groups in Rich County involve irrigation cooperatives or single grazing allotments. Smaller rancher-led groups have traditionally worked together but with unequal amounts of effort from each individual. A project similar to the 3 Creeks Allotment, with a positive effect on Rich County, is the consolidation of livestock on the Cumberland Grazing Allotment in eastern Rich County and western Wyoming. Ranchers there have struggled with conflicting management objectives regarding cattle grazing, but overall improvement to range health and natural resource
management has provided more opportunities for ranchers and management agencies to improve habitat for wildlife and riparian health (Weston, N. personal communication).

**The Cumberland Allotment**

The Cumberland Allotment’s management plan switched from a season long grazed large pasture to a four pasture rest rotation grazing system in 1998 (Weston, S. personal communication). It was created because multiple range indicators showed degraded riparian areas, wildlife populations in decline, and undermanaged livestock in the allotment, resulting in negative forage production impacts. A riparian evaluation team came to the permittees of the Cumberland Allotment and evaluated their situation. The team could see that permittees there were in a stale state of traditional low-input management. Interested parties also made note of the negative conditions in the Cumberland Allotment and filed legal appeal against the permits issued to the federal grazing permittees. This threat of suit initiated greater involvement of the Cumberland Allotment’s members to also become involved and work more closely with the BLM and groups who were interested in improving their situation. The Cumberland Allotment permittees were told by the national riparian team that they’d better change their management, and were told that if they managed it right that the riparian areas will come back-and they have.

When the Cumberland Allotment members got involved, agency representatives found it easier to help the jeopardized allotment. The BLM suggested changes such as cross-fencing to create four separate pastures and a rest rotational grazing system to distribute grazing across the ranges. After creating the new Cumberland Allotment management plan, the agencies returned to the permittees, encouraging them to accept the changes made to their allotment. Each of the permittees had to sign off on the new allotment management plan that the BLM created with cooperation of the Cumberland’s board of directors.

The biggest change to the Cumberland Allotment was to consolidate the entire cow herd to graze in a single pasture at any given time, allowing the allotment to rest its other pastures and
provide opportunity for wildlife species with improved habitat. Another major change was the development of water resources, allowing further distribution of cattle and increased use of managed range resources. Many of the streams found on the allotment were not in proper functioning condition and the riparian areas around them did not meet BLM standards. Cross fencing and developing more off-site water locations allowed for the cattle to spread out and not congregate around riparian areas for an entire growing season. This resulted in improved riparian health and proper utilization of range resources. Thus the agency representatives and permittees developed plans through cooperative processes to accomplish needed changes on the 400,000 acre allotment located along the Utah and Wyoming state line.  

Although many positive results occurred on the Cumberland Allotment by more efficient resource management, negative effects were also observed that displayed long-term economic impacts. In many instances, abandoned dogie calves were a common occurrence. Calves that were fairly young and not able to travel great distances would get separated from their mothers during pasture rotation. Calves would try to return to the last location they remember being with the cow, only to find her gone. The cows would usually be moved to another large pasture with good feed and not be immediately concerned for their calf until they began to notice that the calf wasn’t with them when they moved.

Dogie calves bring severely depressed returns on value at the time of sale. They are nutritionally malnourished, small, and generally unhealthy. The instance of dogie calves was a great concern on the Cumberland Allotment. Producers felt that the large herds moving long distances over short time periods was a significant factor contributing to dogie calves (Cornia, personal communication). To prevent such important things from being overlooked, agency representatives needed to meet with the producers regularly to further develop and mold the final allotment plan.
Cattle movement was challenging on the Cumberland Allotment because the cows were moved in different directions each time they were moved to new pastures. Cows will typically get into a routine over time and anticipate the direction they need to move during pasture rotation. The Cumberland Allotment’s large herd required more riders to push the herd in a specific, new direction (Thornock, B. personal communication).

Several producers from Rich County who own permits to graze on the Cumberland Allotment lease their rights to others now because the transition to large-scale herd and larger pasture size was too economically challenging. While they agree that range improvements have occurred on the Cumberland, they still aren’t capitalizing on the perceived opportunity that agency officials once thought would be found (Thornock, G. personal communication). A common practice among producers is purchasing stocker cattle to populate the range in accordance to their allotted AUMs. The producers then hope to profit from the difference in weight that the cattle were able to gain by utilizing the grazing resource. Stocker cattle do not have calves with them like cows and can be easily moved from pasture to pasture (Cornia, personal communication).

Producers from the Cumberland Allotment who have observed the development of the 3 Creeks Allotment Consolidation Plan have expressed concerns over the same common issues, but are optimistic that the smaller-sized pastures of the 3 Creeks Allotment will make moving pairs of cattle according to the grazing plan easier. They feel that the difference in herd size of cattle (1,600 head compared to 8,000 head) will be a more manageable figure in reducing the occurrence of dogie calves (Thornock, G. personal communication).

**Similarities and Differences between 3 Creeks and Cumberland Allotments**

The 3 Creeks Allotment and the Cumberland Allotment share several similarities in structure development, large herd sizes, hired riders to move with cattle, contractors to perform water system maintenance, private property concerns, time controlled grazing, goals to improve
natural resources, and greater permittee/agency interaction and cooperative management. There are also many differences in these allotments that will set them apart. The 3 Creeks Allotment combines multiple allotments with private and federal agency-owned lands along with a different management structure that uses paid contractors to provide riding, fencing, water maintenance, and daily services. The Cumberland Allotment still relies on permittee cooperation to accomplish all necessary riding, salt distribution, basic fencing services, and other attention. The 3 Creeks Allotment has been specifically planned to eliminate mandatory permittee labor because of limited commitment to fulfilling the assigned tasks by all the permittees. The Cumberland Allotment is also allowed to turn out cattle earlier than the previously nine separate allotments that make up the 3 Creeks Allotment, which reduces profitability by keeping cattle on private land where producers have to feed mechanically harvested forage (hay).

The 3 Creeks Allotment is founded on scientific grazing principles and will try to establish as much flexibility in its grazing plans as possible by using principles of range management based on time, timing, and duration of grazing to best benefit the resources available. By using long-term monitoring over a watershed scale area instead of only using standards such as stubble height, it will overcome the hurdles of traditional set standard grazing dates, stagnant pasture rotation dates, and base management decisions. It is planned to use aerial photography to measure increased riparian areas, repeat monitoring of established water quality points along major streams within the project, and hire private range monitoring services to supplement required agency monitoring protocols. Other areas to be monitored will be referenced inside the draft operating agreement (See Appendix A).

The majority of both the 3 Creeks and Cumberland Allotment’s permittees have not wanted to change when they were first approached about needing improved management practices. Even after positive physical changes have occurred on the Cumberland Allotment, the
permittees have become complacent about their position on evolving the management on their range resources (Thornock, B. personal communication).

**Other Challenged Allotments; Duck Creek Allotment**

Another allotment called the Duck Creek Allotment in Rich County is facing challenges with environmental concerns similar to the Cumberland and the 9 allotments that make up the 3 Creek Allotment consolidation project. The Duck Creek Allotment is being challenged on the status of riparian areas and is facing serious challenges to its allotment management plan by polarizing groups that are against public lands grazing. The Duck Creek Allotment has made changes with help of collaboration through the Rich CRM group to increase the number of pastures used in each grazing season. It has changed its grazing plans by using a deferred pasture rotation system to best utilize mixed species grazing by cattle and sheep. Even with the help of the CRM and other interested parties who are working to help the Duck Creek Allotment improve its wildlife habitat and riparian areas, the allotment is still struggling with charges against its continuous, supposed mismanagement of allotment resources. The process is incredibly expensive for the permit holders of the Duck Creek Allotment and the BLM. The CRM and its members continue to be a valuable support for the permittees who are trying to improve their management styles.

Collaboration and community natural resource management literature suggests that local collaborative processes can facilitate innovation and change. This can be accomplished by promoting local leadership, reducing conflict, and increasing information sharing. Additional beneficial outcomes include recognition of common goals, increased trust, improved perception of institutions and individuals, and development of norms and standards for cooperation.23, 24, 25
CHAPTER 3
CREATING A PROGRAM

Summary - Kevin Conway and other Rich CRM members initiated the process of contemplating ideas for managing the consolidated allotments similar to the management found on Deseret Land & Livestock. The 3 Creeks Allotment was later formed by professionals who covered multiple disciplines using the UGIP technical committee’s principles of grazing management. The steps in forming the watershed scale allotment are outlined using the sequence of steps used by the planning group. The 3 Creeks Allotment demonstrates a relative time frame in which a watershed scale project can be planned and implemented.

How to Begin a Consolidation Project?

A great place to start planning on a similar project is to look at the big picture. Kevin Conway from the UDWR gained knowledge from the nearby Deseret Land & Livestock about the benefits of time controlled grazing with its relation to increased nutritional opportunities for wildlife. He saw the ranch’s success and probed the CRM committee asking why the same type of success can’t be replicated on public land? Reiterating Kevin again, he was quoted as saying, “Anything that can be done on private ground can be done on public ground - the rest is just an excuse!” There will be times when political boundaries and rules such as wilderness study areas and Wildlands designations will hinder the advancement of proposed projects with objectives and infrastructure such as the 3 Creeks Allotment. In any case, it is important to help the permittees who may be struggling understand the consequences of what will happen in the long term if they don’t accept progressive new changes (Hopkin, personal communication).

Many areas of publicly owned rangelands are facing increased scrutiny with regard to resource management (Hopkin, Forrest, personal communication). In the West, water is the...
resource that most limits uniform grazing (Mundy, personal communication). Resources like water could be a way for agencies and permittees to barter the sharing of resources that could help each side improve their current situations (Forrest, personal communication). Future consolidations could possibly combine other allotments where holistic resource budgeting does not occur, but where managed grazing followed by increased rest could greatly increase overall production which would benefit wildlife, livestock, and watershed health (Hopkin, personal communication).

Some factors to include when considering a consolidation project are:

- Social impacts which include considering the local leadership, and the permittees willingness to change.

- How well will the available resources respond to changes in management? Planners need to factor in ecological site potential, growth response of forages in a certain area, precipitation amounts, available water for distribution, and the seasons of availability to utilize the resources.

- What are the financial situations of the general population considered in a large scale project? It would be important to look at the cost to benefit aspect and realize the possible assistance that would be needed in adequately funding a project to assure a high probability of success.

Other factors to include would be geographic feasibility, agency involvement, and the specific permittees involved (Forrest, personal communication). In the 3 Creeks Grazing Allotment, a handful of permittees could see the writing on the wall: If they continued to operate according to the status quo, they could not remain productive and economically stable in the future given natural and externally engineered environmental pressures. They accepted suggestions and
were willing to look outside the traditional box of ranching to seek better alternatives like moving from numerous one-pasture systems to an overall rotational grazing system.

Studying projects that have already been planned and implemented is the easiest way to successfully incorporate management objectives desired for future projects. The 3 Creeks Allotment was patterned after several management styles including DL&L’s rotational grazing coupled with the Cumberland Allotment’s cooperation with land management agencies. The 3 Creeks Allotment is a fine example of how SITLA, BLM, USFS, and private land owners agreed to form one big allotment using privately held water rights, incorporating low-stress livestock handling, and employing complimentary grazing systems using cattle and sheep. The project shows how 29 permittees came together to accept the Operating Agreement along with other agreements and rules already in place such as those associated with Randolph Land and Livestock Company (See Appendices A,G).

After considering what areas might be good candidates for allotment or resource consolidations, creating a draft plan of work is the best way for resource managers to match resources with the managers and personnel available to assist in the project. Then, portions of the draft plan of work are assigned to specific people and they tackle the portions together. It is important to make sure that the assignments will flow in a logical order before collaborating efforts to advance the project (Forrest, personal communication).

**How long will it take?**

The time required in planning a consolidated grazing system will vary greatly depending on the complexities of the challenges (Forrest, personal communication). The 3 Creeks Allotment project began in the early spring of 2008 and was accepted by vote to continue in November 2010. With the 3 Creeks Allotment, many unknown factors became apparent when the preliminary drafts were created. Plans for the allotment began with basic inventories of resources and
were paired with the creative ideas of those involved in molding the 136,000 acre project (See Appendices E, F).

Many important factors must be evaluated and numerous meetings must be held to reach decisions that allow the project to develop. Important questions include:

- Will the agencies involved participate in the new management plans?
- What kinds of environmental impact assessment studies should be completed on the public land?
- Will the environmental impact assessment studies fulfill the requirements of each of the agencies?
- How should the NEPA evaluations be completed?
- Who should complete the NEPA assessments?
- If a private firm is hired to complete the NEPA study, who will pay for it?
- Who should be involved as partners?

(Hopkin, Forrest, personal communication).

Developing the Operating Agreement also takes considerable time. This is necessary to develop a governing document that reflects the desires of a consolidation project while carefully planning language that reflects the overall objectives (See Appendix A).

Throughout this project many individuals worked hard to display enthusiasm that in turn lead to increased support from the department heads of many conservation and land management agencies. Bill Hopkin, Troy Forrest, Commissioner Leonard Blackham and Deputy Commissioner Kathleen Clark from the Utah Department of Agriculture and Food, and many others have invested a great amount of their time to present this project as an innovative, novel approach to public range management. Mr. Hopkin has presented information to individuals from Washing-
ton D.C. and from all over the West, especially to the political and business leaders of Utah. His effort has led to valuable support from conservation groups involved in this project and similar efforts would be beneficial in any future large scale consolidation projects.

In November of 2010, a 90% positive vote was reached by the permittees to complete the project. This vote gave direction to the agency personnel to start the permitting process to start writing the NEPA document which will permanently change the management of the consolidated allotments. It took 3 years for the permittees to reach a decision to consolidate the allotments. Future allotment consolidation projects might very well be planned in less time now that there is an example to follow, but planners should be cautiously optimistic in estimating the planning time being any shorter (Forrest, personal communication).

**How can this be replicated?**

The 3 Creeks Allotment consolidation project has large potential to be replicated. The Utah Grazing Improvement Program intends to find other areas with the same potential as the 3 Creeks Allotment (Hopkin, personal communication). It is important to learn from and replicate livestock management on the 3 Creeks Allotment and not overlook critical livestock needs or the profitability needs of the producers and permittees. It is also important to see the 3 Creeks Allotment as an example of using livestock as beneficial tools to manage landscapes. Although the principles of livestock management displayed on the 3 Creeks Allotment can be similarly replicated on other projects, a thorough management plan would need to be created to evaluate livestock rotations, range conditions, and requirements of the specific animals grazed.

This consolidation project also demonstrates how producers can operate in common while not losing their individual identities as cattle or sheep producers. For example, several of the producers in the 3 Creeks Allotment have a desire to refrain from using common allotment herd sires and wish to artificially inseminate their cows to specific bulls with desired characteris-
tics. These producers may lose time spent on the public range but they can place their cows with the rest of the herd after they have completed their breeding season.

Importantly, this project allows agency personnel and producers to become more innovative with their resources and think of management practices in a new light linked with collaboration (Gates, personal communication).

Finally, this project would be best replicated by looking at the bigger picture of land management and livestock production in the western United States. Utah for instance has 38 million acres of grazing lands. More large effective projects like the 3 Creeks Allotment are needed to sustain the viability of the production livestock industry while responsibly managing the natural resources on both public and private lands. It would prove a major accomplishment to the 3 Creeks Allotment if another similarly planned project could be carried out without threat of legal actions first forcing permittees and agencies to take action such as in 2002 across Rich, Box Elder, and Tooele Counties.

**How will this project benefit future allotment consolidations which include both public and private land?**

The 3 Creeks Allotment contains multiple attributes that future allotment consolidations containing both public and private land will find valuable and beneficial. The most beneficial attributes are the 3 Creeks Allotment Operating Agreement. Other attributes that have been created are budget outlines containing future estimated maintenance costs and AUM fee changes, and innovative understandings between public agencies that recognize private property issues and environmental permitting issues over federal rangelands.

This project will also serve as a prime example to federal land permittees and the agencies that assist them in combating pressures from environmental groups. It will serve as an example by involving multiple agencies and non-government organizations to provide input into the allotment management plan. By including credible conservation organizations, anti-grazing
groups may reconsider challenging the permittees and agencies, and instead learn about the beneficial consequences from the improved management plans (Hopkin, personal communication).
CHAPTER 4

OPERATING AGREEMENT & ENVIRONMENTAL PERMITTING

Summary- One of the most important documents created from the 3 Creeks Grazing Allotment is the Operating Agreement which sets legally binding governing language for annual operations and business transactions (Forrest, personal communication). The agreement may serve as a template for future consolidations to use when developing a governing system for all aspects of management in a consolidation, especially involving multiple land ownerships. Also included are important decisions involving the Environmental Impact Statement that describes understandings developed between the BLM and USFS. The Grazing Improvement Program assisted the BLM and USFS in developing plans to complete the NEPA portion of the Environmental Impact Statement. The NEPA assessment itself will be completed by an independent outside contractor more quickly than both the agencies are able to do. The completion of the NEPA document by an independent contractor makes the environmental permitting portion of the newly constructed allotment much cleaner and more efficient.

The 3 Creeks Grazing Allotment’s Operating Agreement was created by reading several other allotment and grazing association documents to glean ideas and information that needed to be included. A general outline was first created to start the process of compiling the rules and regulations that best suited the allotment. Meetings were held by the core planning group once every two to three months to make adjustments in the language and regulations.

The process of creating a rough draft of the Operating Agreement lasted nearly one and a half years. Once the rough draft was created, the core planning committee hired an attorney experienced with the creation of businesses to finalize the document and include any needed Utah-specific legal information. A very important factor in hiring the attorney was to make sure not to disrupt the profitability of the private entities in the 3 Creeks Allotment project, but rather form
agreements to let the private grazing companies and their members run business as usual and in compliance with the management objectives of the new allotment (Forrest, Hopkin, personal communication). The 3 Creeks Grazing Allotment has now completed a draft operating agreement that will be signed by all permittees in the future when a final document is agreed upon by all permittees (Forrest, personal communication). All discrepancies will be directed to the Operating Agreement as particular matters arise (Hopkin, personal communication). (See Appendix A)

**Decision for EIS**

As the allotment covers multiple land ownerships, a decision had to be made by the BLM and the USFS of who would create the EIS or EA. Out of the two, the EIS is considered to be a stricter standard of assessing the environmental impact on the land included in the project. The USFS almost always has to complete an EIS where the BLM often times only does an EA but can accept EIS assessments. The two agencies both agreed to complete an EIS and to sign a Memorandum of Understanding stating that each agency will act as co-leads on the 3 Creeks Allotment Project (Gates, Staggs, Mundy, personal communication). (See Appendix B)

**Process for planning NEPA**

During the planning of the 3 Creeks Allotment, Bill Hopkin, Troy Forrest, and I discussed the environmental impacts of the project with federal land management agency representatives. When changes were planned and proposed to the federal agencies, a NEPA proposal was created and written by Troy Forrest to cover the entire basis for everything that would be affected. Once decided that the project would use an EIS and that the BLM and USFS would act as co-leads, we discussed how the NEPA document would be written and who would complete the study.
The EIS outlines the overall impacts that will occur within the project area and declares what plan of work will be performed, what outcomes are expected, and who is responsible for the work that is carried out. The EIS and NEPA documents run in common with each other, but the NEPA document covers all national policies, declares new management practices and their expected results, and must be written according to the required format outlined by the laws of the federal government (Gates, Staggs, Mundy, personal communication).

While the discussion was being held for the NEPA process, Sylvia Gillen, State Conservationist, from the NRCS applied for congressional earmark money to pay for the completion of NEPA by a private contractor. Money was approved through Senator Bennett’s congressional office and the senator provided $200,000 to complete the NEPA study. $190,000 was given to the Rich County Commission to pay for the completion of the NEPA study after UGIP also gave $150,000 dollars to match the federal earmark grant. The remaining $10,000 was taken by the Utah State Office of the NRCS to cover administrative costs (Hopkin, personal communication). Employees from the BLM and USFS had previously suggested that the project would be finished faster using a private firm than waiting for an agency to complete the process (Staggs, Gates, Mundy, personal communication). As both agencies have a huge responsibility and limited time to complete projects, it was decided to hire a private consulting firm. A competitive bid process was used to solicit companies interested in completing the NEPA study. A firm from Logan, Utah, named CIRRUS Environmental was hired to complete the NEPA study. As of this date, the NEPA process is underway and information is being gathered to expedite the completion of the NEPA document.
ISSUES TO CONSIDER WHEN PLANNING CONSOLIDATIONS

Summary- General considerations need to be reviewed before much time is spent in planning a large scale project such as consolidating allotments or livestock herds. Resolving concerns for the permittees of the 3 Creeks Allotment has been the key component in receiving support for the project. Concerns have risen in almost every aspect of range management and animal production. Employees from the Utah Grazing Improvement Program have worked to reduce concerns by outlining benefits of the allotment project such as economies of scale, unification of voice against opposition, and management flexibility. Grazing permittees have been nervous to accept all the new proposals and worry about the overall change to their traditional management styles livestock production found on range settings. The most common concerns expressed cover issues of budget, animal movement, water distribution for large herds, land management agency changes, and private property issues. A timeline has been created to display information about actions taken by the Utah Grazing Improvement Program and other agencies in resolving concerns and the steps taken to plan the watershed scale project.

General Considerations

There are general considerations that an individual or group will need to consider when planning a project such as consolidating allotments or livestock herds. Some very important questions that have to be reviewed are:

- Who will act as the local leader to advance the project and stand against possible opposition?
- What is the probability of permittee support?
- Is the area under consideration also under-managed?
• Will non-government organizations support the proposed project?
• Who will take the lead and do the necessary leg work?

**Benefits of size, unification and flexibility**

The 3 Creeks Allotment is a great example of how the SITLA, BLM, USFS, and private land owners have agreed to form one big allotment with privately held water rights, livestock handling, and complimentary grazing systems using cattle and sheep. It especially displays how to help 29 permittees, and other groups such as the Randolph Land and Livestock Company to unite and accept the Operating Agreement along with other private agreements and rules that already had been in place.

Increasing the size of a single consolidated resource management area is beneficial to permittees because of their increased ability to combat opposition. Through the creation of the 3 Creeks Allotment, the permittees can better work towards optimal management of the range resources they are entrusted to sustain (Forrest, personal communication). Unification of resources, ideas, and experiences, coupled with technical expertise, will provide for a more stable, sustainable, and flexible watershed-scale project.

The project’s flexibility comes by increasing the amount of land involved, having more pastures to use, building financial resources from banding together each permittee’s AUM grazing assessment, and being able to budget the resources following science-based grazing plans (See Appendix G) and planned range treatments (Hopkin, personal communication). As the size of this project will increase each permittee’s resources, the scale will prove beneficial as well by increasing the amount of choices available for management, providing financial stability, and providing a unified voice for fighting against opposition (Hopkin, personal communication).
How will public land management agencies and livestock producers gain access to this information?

This report is intended to assist agency personnel and permittees by providing a guide to use when considering a large-scale grazing management plan. Most individuals preparing their own project will be finding this report via the Internet. Another way to gain knowledge about this project is by recommendation of peers or by any individual involved with the creation of the 3 Creeks Allotment who coordinates future grazing plans. This paper is intended to be read by anyone who wants to plan watershed-scaled projects and needs a guide, or is interested in how the 3 Creeks Allotment was created or also plans to use livestock as a management tool.

What were the biggest struggles in developing the 3 Creeks Grazing Allotment?

The biggest struggles in developing the 3 Creeks Allotment have involved concerns over private property, livestock handling, operating agreements, and budget decisions for capital improvement and annual maintenance costs.

Private Property

During the creation of the 3 Creeks Allotment Project, several sensitive issues concerning private property needed to be resolved. The biggest private property owner in the project area is the Randolph Land and Livestock Company. All of their grazing management decisions were based on BLM and USFS decisions because the company agreed to use exchange of use permits that give permission for permittees to run in common with BLM and USFS administered land (Staggs, Gates, personal communication). The federal and state land management agencies record the amount of grazing resources the company brings into the individual allotments from private ground and give credit to the company for the grazing use of all permittees (Staggs, personal communication).
Most of the permittees who own shares of the Randolph Land and Livestock Company hold permits on BLM, USFS, and SITLA ground, which makes it easier to manage the exchange of use grazing permits. However, there are also permittees who don’t own shares of the Randolph Land and Livestock Company that do use the company’s private ground and grazing resources. During the beginning stages of planning this project, some of the Randolph Land and Livestock Company members felt like permittees who weren’t members of the company were getting an unfair advantage through consolidation which created the larger resource base. Although there were members that do benefit from the resources that they did not have in the past, the long-term sustainability of the entire range will be protected and will ensure a greater good.

Over time, the ranges will be managed to increase the AUM forage availability and nutrition by utilizing a wider breadth of forage choices created through complementary grazing of cattle and sheep. With the increase of the forage base, it can become a possibility to elevate stocking rates to match the forage that is improved on private lands which will directly benefit the members owning shares of the Randolph Land and Livestock Company (Staggs, personal communication). In the planning of this project, it was imperative that private property decisions not be imposed and that legal rights were not lost. Efforts of the Randolph Land and Livestock Company and individual allotments were noted and will be compensated through equal capital improvement installation costs.

It was extremely helpful that the Randolph Land and Livestock Company was established for a long period of time. The water rights this project plans to use are privately held and hold the oldest established filing date on the water sources it will be drawing from. This will help when redeveloping water resources. The Randolph Land and Livestock’s private holdings have also been valuable for developing ideas to pay for maintenance costs in the future.
Concerns Addressed: Livestock Handling and Management, Water, Operating Agreement, Exchange of Use AUM’s

Other issues that have been encountered in the planning process were concerns over handling large herds of livestock. The plan is to manage two herds of cows across the allotment. Each herd will have 1600 pairs of cattle across the project area including approx. 2,000 sheep. Many of the permittees have expressed concern over the ability of the contracted riders and the permittees to rotate the herds without producing dogie calves such as the experience faced on the Cumberland Allotment. They were also concerned about being able to train the cows to move considerably more times than the older cows have normally been used to. The older-aged cows moved amongst a few pastures in their previous single allotment or deferred rotation grazing systems (Forrest, personal communication). (See Appendix G)

Decisions had to be made about the management of livestock including breeding dates, herd sires, making sure that the correct numbers of livestock are being turned out to graze, management of identification tags, which permittees’ cows should go into which of the two herds, and where each band of sheep should graze. Many of the rules adopted by the 3 Creeks Allotment are in the Operating Agreement (See Appendix A).

Many permittees wanted to make sure that there would be enough water in each pasture for so many cows at one time to drink as they would need 12-15 gallons per day per cow. Along with that concern, there were thoughts expressed over having enough troughs to allow that many cows or sheep to drink at any given time (See Appendix H).

It was a time consuming process to develop the 3 Creeks Allotment Operating Agreement. The Operating Agreement had to be written with language that made it clear an individual permittee had to follow the rules or face consequences enough that he would not want to be out of order with the agreed upon regulations (Forrest, Hopkin, personal communication). The document also outlines subjects such as organization of the allotment, processes the allotment will fol-
low in paying assessment fees, the process of voting by permittees, voting by board members, leasing permits, inheriting grazing rights associated with the allotment, and who is considered to be a member of the allotment (See Appendix A). The final document is not yet complete, but the included draft is a close representation of the finished product.

**Budget and Financial Planning**

A draft budget for the project was developed to start the planning of the 3 Creeks Allotment project (Forrest, personal communication) (See Appendix C). Many questions have arisen since the development of this budget. Permittees wondered how they would ever be able to pay for it. The Utah Grazing Improvement Program has developed many ways to come up with cost-share assistance and has investigated loan assistance programs to financially assist in the completion of this project (Forrest, Hopkin, personal communication).

At one of the first planning meetings, Bill Hopkin and Troy Forrest presented the draft budget for the 3 Creeks Allotment project and promised the permittees that they would commit to finding 87.5% cost share assistance for the capital improvement costs of nearly $2.2 million (Hopkin, personal communication). Bill also said that if he could not find the money, then the project wouldn’t be pursued any further. That made the permittees more comfortable with the idea and they agreed to continue with open minds towards implementation. A vote was held at the same meeting where Bill promised the cost-share assistance in order to get a feel for the commitment that the permittees would follow through with the consolidation project. The permittees voted by the number of AUM’s they possessed which were based inside the considered allotments to be consolidated. The vote generated a 93.7% positive result (Forrest, personal communication).

A great deal of work has gone into presenting this project to conservation groups and land management agencies. Each of these groups has been asked to assist the Utah Grazing Im-
provement Program and its partners to share ideas for obtaining funding methods or possible financial contributions (Hopkin, personal communication). Groups contacted include the USFS, BLM, SITLA, Utah Division of Wildlife Resources, Utah Division of Water Quality, The Audubon Society, The Rocky Mountain Elk Foundation, The Mule Deer Foundation, The Nature Conservancy, and many others (See Appendix I).

A great idea was generated for the 3 Creeks Allotment regarding maintenance expenses, a part of the budget for any major project. During a presentation to Walt Baker, director of the Utah Division of Water Quality, Bill Hopkin promised that Big Creek, which is in the 3 Creeks Allotment project and on the state’s 303d list for impaired water, would be repaired through proper grazing management.

Each year Walt and his department are in charge of awarding money to certain watersheds for restoration projects (Baker, personal communication). This creates a band-aid effect all over the state where little projects are done but entire watersheds still have problems (Hopkin, personal communication). Walt saw the uniqueness of the 3 Creeks Project and its objectives with water quality. After Mr. Hopkin’s presentation, Walt could understand that ongoing maintenance money is hard to plan on and knew his department could not promise ongoing maintenance money because of variable amounts of money awarded to his department each year. He did, however, propose the idea of creating an account with the Utah Department of Agriculture and Food to set up a fund which the permittees could draw from to help pay for the project’s maintenance.

Other innovative ideas have evolved through planning the 3 Creeks Allotment. Several ideas using wildlife conservation management tags were brought up to help pay for maintenance, but were later not considered because of they would require creating a closed entry unit on public lands to generate income from hunting (Hopkin, personal communication).
The idea of conservation easements being purchased on private lands was also explored. Conservation easements are legally binding agreements where development rights are purchased on private lands while the land owner still maintains production practices as usual.\(^{30}\) If this happened on the 3 Creeks Allotment, the money from the sale of development rights could be spent towards capital improvement costs. Programs similar to conservation easements are the Grazing Reserve Program and Grassland Reserve Program through the NRCS.\(^{30}\) These programs would complement the increased grazing management across the 3 Creeks Allotment and would fit well with many other future grazing allotments (Forrest, personal communication).

One of the most important parts of financial budgeting for the 3 Creeks Allotment project has been that permittees would have to pay for 12.5% of capital improvement costs and additional maintenance fees. Methods were investigated to see how to finance the total costs of the capital improvements. Low-interest conservation loans are available for projects such as this. The 3 Creeks Allotment planning group has pursued using an ARDL (Agriculture Resource Development Loan) from the Utah Department of Agriculture and Food.\(^{6}\) The ARDL has a 12-year term with low interest rates which benefit the permittees. As described in the draft budget of the 3 Creeks Allotment, the permittees’ 12.5% responsibility for capital improvement will be divided by 12 years for the loan and by all the represented permitted AUM’s. The capital could then be paid out at about a $1.77/AUM rate (See Appendix C).

Another major issue is annual maintenance. Some permittees have become complacent about the need for more intensive management and have not accomplished many changes from their traditional style of allotment management (Staggs, personal communication). To deal with this issue, the core planning group decided to employ contract maintenance companies so projects could be hired out and completed in a reasonable time frame. The benefits of using contractors over assigning individual permittees for maintenance upkeep is that there are no social complications with firing someone who doesn’t perform. Side effects of this strategy to use contracted
labor has become a huge issue to the involved partners and organizations in a positive way. They are excited about the promise of maintenance being completed. The permittees are also in favor because it can reduce tension when work is not completed. The money spent over time for maintenance of infrastructure is smarter than paying large amounts of money for big projects. A depreciation schedule was used on the budgeted items and a yearly amount was figured for maintenance of all capital investments to be maintained by contracted individuals or companies.

**Timeline for the Creation of the 3 Creeks Allotment**

- **2001-** Permits to graze on all but 3 BLM allotments in Rich, Box Elder, and Tooele Counties were protested by Western Watersheds and the Southern Utah Wilderness Alliance that included a stay which prevented turning out livestock to graze into the next grazing season.
- **2001-** An appeal committee was formed to collaboratively fight against the stay and appeal.
- **June 20, 2002-** In response, a Coordinated Resource Management Group was formed from land management agencies, permittees, and interested public members to combine resources and consolidate efforts to responsibly manage the allotments and to help solicit funds to be used in conservation projects in Rich County.
- **June 2002-present-** CRM meetings continue to be held about once every three months
- **June 20, 2002-present-** Work was performed through the Rich CRM to tackle problems that faced the Rich County grazing permittees.
- **Fall 2002-** Kevin Conway, UDWR Director, brought information from Deseret Land & Livestock about time controlled grazing and its benefit to wildlife to the CRM committee. Kevin asked, “Why can’t the same thing be done on public ground?” He also said, “Anything that can be done on public ground can be done on private ground- the rest is just an excuse!” That initiated the CRM to think how Rich County could possibly pattern a watershed scale project similar to the management of Deseret Land & Livestock.
• **Fall 2002-** Legal representation was hired at a large expense to permittees to fight the protested permit renewal of livestock grazing in Rich County, Utah.

• **Spring 2003-** The Interior Board of Legal Appeals threw out the stay which allowed permittees to graze their livestock on the protested allotments across Rich, Box Elder, and Tooele Counties.

• **Spring 2003-present-** Continued pressure was still applied from environmental groups such as Western Watersheds Project.

• **Spring 2004-Fall 2008-** Significant changes such as deferred rotational grazing system were made in some allotments, but problems still existed in several allotments with grazing and range management. Water quality was also an issue in some areas where grazing had been under managed.

• **2004-** Settlement agreement was reached between the Western Watersheds Project and the Salt Lake BLM Field Office.

• **Spring 2007-** Alvin Shaul reintroduces the idea of consolidations among the allotments found west of Randolph, Utah.

• **Spring 2007-** Alvin asks Bill Hopkin and Troy Forrest to help with the consolidation idea. They would be strategic in creating project ideas and plans leading up to the 3 Creeks Allotment project.

• **Fall 2008-** Ideas are introduced about allotment consolidation to the land management agencies and key permittees.

• **Winter 2008-present-** Meetings with range conservationist and key permittees resume and further ideas are created.

• **January 2009-** The rough draft of an Operating Agreement was started and began the organization of a new association for the nine consolidated allotments.

• **Spring 2009-Winter 2009-** An informal plan is created to involve five BLM and two USFS allotments, budgets were created for capital and maintenance expenses for the project.
- **Spring 2009**- An inventory was started to evaluate water availability along with fence placement and condition across the entire project area.

- **April 29, 2009**- A formal meeting was called to include all permittees of the project and a vote was held to ask about the interest of furthering the project. The permittees responded with a 93.7% positive vote, provided that UGIP and other partners could provide 87.5% of the capital cost and explore ways to help pay for maintenance. Nominations for a chairman and board members from each allotment were held to act as the local planning committee.

- **Spring 2009-November 2010**- Meetings were held to discuss the evolution of the Operating Agreement and its pertinent content. Other topics were discussed including grazing rotations and water sources and distribution. Meetings were held about once every month and a half to continue the project plans.

- **Fall 2009**- A resource inventory was completed with GPS information covering fences and water sources.

- **Spring 2010-November 2010**- During the planning stages, specific meetings were held to allow sheep permittees to voice their opinions and concerns about how to fairly distribute their AUM assessment fees which are different from cattle AUM assessments.

- **June 5, 2010**- Detailed plans were created for completing the NEPA permitting process required for changing management and infrastructure on public lands. Troy Forrest completed a scoping outline for the NEPA document which allowed private firms who were bidding for the NEPA project to adjust their bids accordingly to the cost of the project. CIRRUS Environmental won the bid and received a contract from Rich County to perform work during the spring of 2010. An earmark grant from Senator Bennett’s office was awarded to the Utah NRCS and given to the Rich County Commission to administer and help pay for the completion of the NEPA environmental permitting.
• **Spring 2010**- Individual plans were created inside the consolidation area to accomplish parts of the entire project. Items included drilling a well for stock water, building several miles of division fences, and paying for previously approved pipelines and troughs. This helped the permittees gain a sense of accomplishment toward the large project. It also displayed the agency’s commitment to the permittees and for the success of the consolidation project.

• **August 2010- November 2010**- The key planning group hired an attorney to help critique the Operating Agreement. He suggested changes and identified areas that needed re-evaluation. The permittees met personally with the attorney and discussed topics in the Operating Agreement like private property issues and strategically building the consolidation company so that their grazing shares will increase in value.

• **November 2010**- Wayne Burkhardt visited with the permittees involved in the grazing consolidation project about the benefits of voting to complete the project. Mr. Burkhardt acted as an outside consultant (Ranges West) who brought in a professional opinion, expressing his honest thoughts whether or not the 3 Creeks Allotment project would be worth the investment and change in management for the permittees. The consultation was well received by permittees who had considerable hesitation about the consolidation project being tied to their own livestock operation (Burkhardt, personal communication).

• **November 2010**- A final vote meeting was called by the 3 Creeks Allotment core planning group with assistance from the employees from the Utah Grazing Improvement Program. At that meeting, votes were taken based on AUM’s held by permittees to decide whether or not to adopt the 3 Creeks Allotment by consolidating nine original BLM and USFS allotments. A 90% positive vote was the result during that large meeting. With the decision to consolidate allotments, a NEPA document will now be written which will provide the proper scoping and long term management of the project area.
CHAPTER 6
EXPECTED BENEFITS AND CONCLUSIONS

The intent of this report is to complete a “recipe book” of processes that were necessary to bring the 3 Creeks Grazing Allotment consolidations to the contract phase. From people like Kevin Conway and others from the Rich CRM committee who put together ideas in 2002 about public land to be managed similarly to Deseret Land & Livestock, this project provides new ideas for producers to consider when they encounter financial, environmental, and sustainability challenges associated with grazing management. This project could assist the future development of other public grazing allotment consolidations that include multiple agencies and private land.

This project may create precedence for national changes to management of rangelands that public agencies administer. Natural resources could be managed and cared for by producers who follow the same pattern the Rich County producers have created. Rich County producers could show that livestock are the most critical tool available for managing watershed-scale projects.

It will be important for the agencies and permittees to be observant in the changes that are hypothesized to occur, and for the changes that happen unexpectedly. The value of this project will be to specifically document the positive results for both the public land agencies and the permittees after the efforts that have been carried out by all interested parties. Bill Hopkin says, “Projects that have been carefully planned out and well considered will be good projects.” It will also be important to use the model of the 3 Creeks Grazing Allotment to document ways that specific management details need to be critiqued. Critiquing will only make the allotment better.

Since the vote taken by the permittees of the 3 Creeks Allotment in November of 2010, excitement and anticipation are felt among the permittees to see how the new management system will work. There generally seems to be a great majority of permittees willing to discuss thoughts
for how to plan the yearly management of the allotment. Ideas have come from permittees such as how to rotate the grazing herds, where to distribute new water troughs, and how to divide the two separate herds of cattle just as an example.

It is possible that more allotments could join the 3 Creeks Allotment in the future which would benefit an increased scale, greater flexibility, and economic capability of the permittees involved. It is important to document that during the NEPA environmental permitting process that flexibility like adding even more allotments or consolidating other cow herds into the management plan would be possible using principles laid out by range scientist like the UGIP technical advising committee.

It is hypothesized that this project will showcase improved riparian areas as well as increased wildlife populations resulting from time controlled grazing and increased nutritional opportunities. There will be many other benefits garnered like better cooperation with BLM and the USFS, and increased enthusiasm for better range management like that experienced on the Cumberland Allotment.

The 3 Creeks Allotment was originally created to modify the management of rangelands found west of Randolph, Utah, but as a side note, the project has also turned into a large communication building activity with huge sociological aspects. Positive effects for individual permittees and the local community have been observed by increasing communication with agency representatives. The UGIP program has also developed more improved methods to use their technical expertise to help plan better management for the land while incorporating the permittees involved with its production. I have experienced the value of careful planning and how facilitating collaboration has increased the positive outcomes for this large scale project. The collaborative processes that have formed and molded the allotment to where it is today will propel the permittees a long way towards a sustainable future with public land grazing as its backbone.
REFERENCES


31. HOUSE, D. 2010. In rare show of cooperation, agencies and ranchers aim to show grazing plan can work. Salt Lake City, UT, USA: The Salt Lake Tribune. 2p.
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OPERATING AGREEMENT

OF

THE 3 CREEKS GRAZING COMPANY, LLC

THIS AGREEMENT (this “Agreement”) was entered into effective as of March 25, 2010 and is executed this day of September, by and among the established permittees of the original 10 consolidated allotments that now make up The 3 Creeks Grazing Company and other private land held in exchange of use (the original 10 public grazing allotments are Sage Creek, New Canyon, Big Creek, Stuart, Twin Peaks, Red Wells, North Randolph, South Randolph, Crawford, Frazier, and Randolph Land and Livestock), as Members of THE 3 CREEKS GRAZING COMPANY, LLC, a Utah limited liability company.

RECITALS

The parties to this Agreement are all of the current members of THE 3 CREEKS GRAZING COMPANY, LLC, a Utah limited liability company (the “Company”). The parties intend by this Agreement to define their rights and obligations with respect to the Company’s governance and financial affairs and to adopt regulations and procedures for the conduct of the Company’s activities. Accordingly, they agree as follows:

ARTICLE 1: DEFINITIONS

1.1 Scope. For purposes of this Agreement, unless the language or context clearly indicates that a different meaning is intended, capitalized terms have the meanings specified in this Article 1.

1.2 Defined Terms.

(a) Act means the Utah Revised Limited Liability Company Act.

(b) Agreement means this agreement, including any amendments.

(c) Articles means the articles of organization filed with the Division to organize the Company as a limited liability company, including any amendments.

(d) Available Funds, for a Taxable Year, means the Company’s gross cash receipts from any source, less the sum of: (1) payments of principal, interest, charges and fees then due pertaining to the Company’s indebtedness; (2) expenditures incurred incident to the usual conduct of the Company’s business; and (3) amounts reserved to meet the reasonable current and anticipated needs of the Company’s business.

(e) Bankruptcy, with respect to a Member, means (1) the Member’s general
income tax rate applicable to the taxable income of an individual and (2) the highest Utah income tax rate applicable to the taxable income of an individual resident of Utah.

(z) Taxable Year means the Company’s taxable year as determined in accordance with Article 6.2.

(aa) Transfer, as a noun, means a transaction or event by which ownership of a Membership Interest is changed, including, without limitation, a sale, exchange, distribution, abandonment, gift, devise or foreclosure. “Transfer,” as a verb, means to effect a Transfer.

(bb) Transferee means a Person who acquires a Membership Interest by Transfer from a Member or another Transferee and is not admitted as a Member in accordance with Article 3.1(b).

(cc) AUM means Animal Unit Month in connection with a grazing permit issued to a permittee to graze livestock on lands owned by the U.S. Forest Service (USFS), the U.S. Bureau of Land Management (BLM), or the State Institutional Trust Lands (SITLA). Membership Interests in the Company shall be treated as private property. One (1) AUM shall be treated as equal to one unit of the Company.

(dd) Permittee means a Person or an Entity that holds a grazing permit issued by the U.S. Forest Service, the U.S. Bureau of Land Management, or the State Institutional Trust Lands.

ARTICLE 2: THE COMPANY

2.1 Status. The Company is a Utah limited liability company organized under the Act.

2.2 Name. The Company’s name is THE 3 CREEKS GRAZING COMPANY, LLC.

2.3 Term. The Company’s existence commenced on the date the Articles were filed with the Division, and will continue until terminated under this Agreement.

2.4 Purposes. The Company’s purposes are (a) to use best management practices to promote economically productive and sustainable grazing of cattle, sheep, and horses on allotments contributed to the Company to improve grazing management practices, wildlife and fisheries habitat, water resources, recreational opportunities, and the ecological health of the Upper Bear River Watershed; and (b) to engage in any other lawful activity for which a limited liability company may be organized under the Act. The Company may take any action incidental and conducive to the furtherance of those purposes.
Appendix B: MOU Agreement
Memorandum of Understanding
Between
The Department of the Interior, Bureau of Land Management,
Salt Lake Field Office and
The Department of Agriculture United States Forest Service
Ogden Ranger District
As Joint Lead Agencies and
The U.S. Department of Agriculture, Natural Resources Conservation Service
School Institute Trust and Lands Administration
Utah Department of Food and Agriculture
as Cooperating Agencies

I. Introduction

This Memorandum of Understanding (MOU) establishes a joint lead agency relationship between the Bureau of Land Management’s Salt Lake Field Office (“BLM Lead”) and Uinta-Wasatch-Cache National Forest’s Ogden Ranger District (“U.S. Forest Service or USFS Lead”) for the purpose of developing the Rich County Allotment Consolidation Plan and Environmental Assessment (EA). The MOU further establishes the Natural Resources Conservation Service (“NRCS”), School Institute Trust and Lands Administration (SITLA), and Utah Department of Food and Agriculture (“UDAF”) as Cooperating Agencies in the EA. As federal agencies managing land within the project area, the BLM and USFS are the joint lead federal agencies for development of the Rich County EA. The BLM and USFS acknowledge that both agencies have jurisdiction by law as defined at 40 CFR 1501.5 and 1508.26 applicable to the Rich County Allotment Consolidation Plan (ACP).

The BLM and USFS acknowledge that the Cooperators have jurisdiction by law or special expertise applicable to the ACP/EA effort, as defined at 40 CFR 1508.15 and 1508.26. This MOU describes responsibilities and procedures agreed to by NRCS, SITLA and UDAF as Cooperating Agencies and the BLM and USFS as joint leads.

The agency relationship established through this MOU shall be governed by all applicable statutes, regulations, and policies, including the Council on Environmental Quality’s National Environmental Policy Act (NEPA) regulations (in particular, 40 CFR 1501.6 and 1508.5), the BLM’s NEPA Handbook 1790-1, the USFS NEPA Regulations 36 CFR 220 and Forest Service Handbook 1909.15 and the NRCS NEPA regulations 7 CFR 650.9 and the NRCS General Manual part 410 and the NRCS National Environmental Compliance Handbook.

II. Purpose

The purposes of this MOU are:

A. To provide a framework for cooperation and coordination between the BLM, USFS and the Cooperators that will ensure successful completion of the ACP EA in a timely, efficient, and thorough manner.
B. To recognize that the BLM and USFS are joint lead agencies with responsibility for the completion of the Rich County ACP EA, Decision Notices (DN), and Proposed/Final Decision.

C. To designate NRCS, SITLA and UDAF as Cooperating Agencies in the ACP EA process.

D. To describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the planning process.

III. Authorities for the MOU

A. The authorities of the USFS and BLM to enter into and engage in the activities described within this MOU include, but are not limited to:

B. Regulations implementing the above authorities:
   1. Council on Environmental Quality regulations (40 CFR 1501 et seq.)
   2. Bureau of Land Management NEPA Handbook (1709-1.)
   3. United States Forest Service NEPA regulations (36 CFR 220 et seq.)
   4. Natural Resources Conservation Service (7 CFR 650.9 and General Manual Part 410C.

IV. Roles and Responsibilities

A. BLM & USFS Responsibilities:

1. As joint lead agencies, the BLM and USFS retain final responsibility for the content of all NEPA documents, which include the scoping notice, EA’s, and individual decision documents. The BLM and USFS’s responsibilities include determining the purpose of and need for the ACP, selecting issues and alternatives for detailed analysis, selecting the preferred alternative, and determining appropriate mitigation measures. In meeting these responsibilities, the BLM and USFS will follow all applicable statutory and regulatory requirements.

2. Supervise the preparation of the analyses in compliance with applicable legal requirements including, but not limited to, public review of the analysis, analysis of public comments, and decision documentation. In exercising this responsibility, the BLM and USFS will endeavor to foster cooperation among other relevant agencies and to integrate NEPA requirements with other review and consultation requirements in order to avoid, to the fullest extent possible, duplication of efforts by such agencies. (40 CFR 1500.5(g)-(h), 1501.2(d)(2), 1506.2) However, the USFS and BLM will not delegate to any other agency its authority over the scope and content of the analysis or its approval of the Project.
3. Make its own independent evaluation of the information submitted by the Consultant, subcontractors, or others, and have responsibility for its accuracy (40 CFR 1506.5(b)). Make the final determination of the inclusion or deletion of material from the analyses.

4. To the fullest extent consistent with their responsibilities as joint lead agencies, the BLM and USFS will consider the comments and recommendations, provided by the Cooperator in the ACP EA process, giving particular consideration to those topics on which the Cooperators are acknowledged to possess jurisdiction by law or special expertise.

5. To the fullest extent practicable, the BLM and USFS will provide the Cooperators with copies of documents underlying the ACP EA relevant to the Cooperator’s responsibilities, including technical reports, data, analyses, comments received, working drafts related to environmental reviews, and Environmental Assessment.

B. Cooperating Agency Responsibilities:

1. The NRCS is a Cooperating Agency in this planning process and is recognized to have jurisdiction by law and special expertise. NRCS will potentially commit federal funds, using other instruments, through various agency programs to the implementation of various practices such as fences, waterlines, shrub treatment, seeding etc., on both private and public lands.

2. The SITLA is a Cooperating Agency in this planning process and is recognized to have jurisdiction by law and special expertise. As a land managing agency within the project area SITLA approves grazing on approximately 11,000 acres.

3. The UDAP is a Cooperating Agency in this planning process and is recognized to have special expertise in time controlled grazing. UDAP will potentially commit state funds, using other instruments, through various agency programs to the implementation of various practices such as fences, waterlines, shrub treatment, seeding etc., on both private and public lands.

4. The Cooperators will provide information, comments, and technical expertise to the USFS and BLM regarding those elements of the EA, and the data and analyses supporting them, in which they have jurisdiction or special expertise or for which the BLM requests its assistance.

5. Within the areas of their jurisdiction or special expertise, and using their own resources, the Cooperators may participate in any of the activities identified in Attachment A. These activities include, but are not limited to: providing recommendations on public involvement strategies, identifying data needs, suggesting management actions to resolve planning issues, suggesting mitigation measures, and providing written comments on working drafts of the Rich County ACP and supporting documents. (See also Section C.4.)
C. Responsibilities of the Parties:

1. The Parties agree to participate in this planning process in good faith and make all reasonable efforts to resolve disagreements.

2. The Parties agree to comply with the planning schedule provided as Attachment A, which includes dates for ACP EA milestones and timeframes for Cooperators’ reviews and submissions.

3. Each Party agrees to fund its own expenses associated with the Rich County ACP EA process.

4. The Parties agree to carefully consider whether proposed meetings or other activities would waive the Unfunded Mandates Reform Act exception to the Federal Advisory Committee Act (2 U.S.C. 1534(b) and 5 U.S.C App.).

V. Other Provisions

A. Authorities not altered. Nothing in this MOU alters, limits, or supersedes the authorities and responsibilities of any Party on any matter within their respective jurisdictions. Nothing in this MOU shall require any of the Parties to perform beyond its respective authority.

Nonbinding Agreement. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity. The Parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purposes of this MOU. Nothing in this MOU authorizes any of the Parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a Party requires the execution of separate instruments and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperators availability of funds and other resources; agency and cooperators administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the Parties elect to enter into an obligation instrument that involves the transfer of funds, services, property, and/or anything of value to a Party, then the applicable criteria must be met. Additionally, under a prospective instrument, each Party operates under its own laws, regulations, and/or policies, and any U.S. Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective instruments must comply with applicable law.

C. Immunity and Defenses Retained. Each Party retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of this MOU.

D. Conflict of interest. The Parties agree not to utilize any individual or organization for purposes of plan development, environmental analysis, or Cooperators representation,
including officials, employees, or third party contractors, having a financial interest in the outcome of the ACP EA.

E. Documenting disagreement or inconsistency. Where the BLM and USFS and one or more Cooperators disagree on substantive elements of the ACP EA (such as designation of the alternatives to be analyzed or analysis of effects), and these disagreements cannot be resolved, a summary of the Cooperator's views will be included in the EA.

F. Management of information. The Cooperators acknowledge that all supporting materials and draft documents may become part of the administrative record and may be subject to the requirements of the Freedom of Information Act (FOIA) and other federal statutes. Public access to this MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).

G. Members of U.S. Congress. Pursuant to 41 U.S. C. 22, no U.S. member of, or U.S. delegate to Congress shall be admitted to any share or part of this instrument, or benefits that may arise therefrom, either directly or indirectly.

VI. Agency Representatives

Each Party will designate a primary representative and alternate representative, as described in Attachment B, to ensure coordination between the Cooperators and the BLM and USFS during the planning process. Each Party may change its representative at will by providing written notice to the other Parties.

VII. Administration of the MOU

Commencement/Expiration Date. This MOU is executed as of the date of last signature and is effective through June 30, 2015 at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials.

Modifications. Modifications within the scope of this MOU must be made by mutual consent of the Parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests of modification should be made, in writing, at least 30 days prior to implementation of the requested change.

Termination. Any of the Parties, in writing, may terminate this MOU in whole or in part, at any time before the date of expiration.

VIII. Provisions Required by the U. S. Forest Service

A. Non-Liability. The U. S. Forest Service does not assume liability for any third party claims for damages arising out of this instrument.

B. Notices. Any communication affecting the operations covered by this agreement
given by the U. S. Forest Service or Cooperators is sufficient only if in writing and
delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

- To the U. S. Forest Service Representative or Alternate Representative, at the
  address specified in the MOU, Attachment B.

- To the Cooperators' addresses shown in the MOU, Attachment B.

Notices are effective when delivered in accordance with this provision, or on the
effective date of notice, whichever is later.

C. Participation in Similar Activities. This MOU in no way restricts the U.S. Forest
Service or Cooperators from participating in similar activities with other public or
private agencies, organizations, and individuals.

D. Endorsement. Any of the Cooperators' contributions made under this MOU do not
by direct reference or implication convey U.S. Forest Service endorsement of the
Cooperators' products or activities.

E. Use of Forest Service Insignia. In order for Cooperators to use the U.S. Forest
Service insignia on any published media, such as a web page, printed publication, or
audiovisual production, permission must be submitted and approval granted in writing
by the Office of Communications (Washington Office) prior to the use of the insignia.

F. Debarment and Suspension. Cooperators shall immediately inform the U.S. Forest
Service if they or any of their principals are presently excluded, debarred, or suspended
from entering into covered transactions with the federal government according to the
terms of 2 CFR Part 180. Additionally, should the Cooperators or any of their
principals receive a transmittal letter or other official Federal notice of debarment or
suspension, then they shall notify the U.S. Forest Service without undue delay. This
applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

G. Authorized Representatives. By signature below, each Party certifies that the
individuals listed in this document as representatives of the individual Parties are
authorized to act in their respective areas for matters related to this MOU.
IX. Signatures

In witness whereof, the Parties hereto have executed this MOU as of the last date written below.

Bureau of Land Management
Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84029

______________________________ Date ________
Glenn Carpenter, West Desert District Manager

United States Forest Service
Uinta-Wasatch-Cache National Forest
8236 Federal Building
125 South State Street
Salt Lake City, Utah 84138

______________________________ Date 12-15-10
Brian Breece, Forest Supervisor

U.S. Department of Agriculture
Natural Resources Conservation Service
Federal Building Room 4402
125 South State Street
Salt Lake City Utah, 84138

______________________________ Date _____________
Sylvia Gillen, State Conservationist
Utah Department of Food and Agriculture
350 North Redwood Road
P.O. Box 146500
Salt Lake City, Utah 84114

Date

Bill Hopkin, Director
Utah Grazing Improvement Program

Date

School Institute Trust and Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

Date

Kevin Carter, Director

The authority and format of this instrument have been reviewed and approved for signature.

Date

Marci Bodell
U.S. Forest Service
Grants and Agreements Specialist
ATTACHMENT A

IDT Members and Operation

It is anticipated that the ID Team will function principally as a review team, providing technical
guidance to the contractors regarding the issues and alternatives to be addressed in the analyses.
The ID Team will provide input and guidance on the adequacy of existing data and studies, and
such additional matters as are useful to the prompt and efficient completion of the analysis in
compliance with the applicable legal requirements.

Core ID Team will be composed of interagency representatives. Most ID Team meetings will
be core team meetings though at critical junctures meetings of the extended team may be
necessary. The core team is responsible for providing recommendations to their respective
responsible officials at key approval points such as identification of issues and array of
alternatives analyzed in detail. Their recommendations will be based on analysis and
information developed by the contractor. The ID Team Leader will serve as liaison to
contractor. At a minimum the core ID Team should include the following

BLM Rep – ID Team Leader
USFS Rep- Co-ID Team Leader
NRCS Rep
UDAF Rep
SITLA Rep.

Extended ID Team will be composed of interagency specialists. Specialists will be responsible
for reviewing and providing feedback within their area of expertise for public lands managed by
their agency.

NEPA Advice

BLM – Cindy Ledbetter
USFS – Evelyn Sibbersen

Time Frames for Review

Extended ID team members will be allowed a 3 week period for reviewing and commenting on
reports and components of the environmental assessment. Comments should be focused on
substantive material, not editorial. Comments should be in track changes format. Agency Core
ID team rep will consolidate comments prior to providing to consultant.
### Timeline for Decision

<table>
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<tr>
<th>NEPA Process Steps</th>
<th>USFS Requirement</th>
<th>BLM Requirement</th>
<th>Cooperator Role</th>
<th>Time Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Initiation Letter Completed</td>
<td>Signed by Responsible Official - Ogden District Ranger</td>
<td>Agency Personnel review proposal and complete a data needs assessment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conduct Internal Scoping</td>
<td>Agency Personnel review proposal and complete a data needs assessment</td>
<td>Joint agency letter. BLM rep present at public meetings</td>
<td>CA may participate. Provide non-financial sponsorship of public forums.</td>
<td>Summer/Fall 2010</td>
</tr>
<tr>
<td>Conduct Scoping</td>
<td>Joint agency letter - 30 day comment period. USFS rep present at public meetings</td>
<td>Joint agency letter present at public meetings</td>
<td></td>
<td>Winter 2010</td>
</tr>
<tr>
<td>Data Collection</td>
<td>Needs identified by agency – use data on hand or contractor collects</td>
<td>Needs identified by agency</td>
<td>Provide data and technical analyses within the CA’s expertise.</td>
<td>Spring/Summer 2011</td>
</tr>
<tr>
<td>Issue Identification and Array of Alternatives</td>
<td>Approved by Responsible Official - Ogden District Ranger</td>
<td>Approved by Responsible Official – SL Field Manager</td>
<td>Collaborate with lead agencies in developing issues and alternatives.</td>
<td>May 2011</td>
</tr>
<tr>
<td>EA – Internal review</td>
<td>Review and provide feedback to contractor-prepared EA</td>
<td>Review and provide feedback to contractor-prepared EA</td>
<td>The CAs may provide written comments on working draft if desired.</td>
<td>Sept 2011</td>
</tr>
<tr>
<td>EA – Public review</td>
<td>Formal Notice and Comment for USFS – 30 day based on legal notice in Ogden Standard Examiner</td>
<td>No prescribed time frame for review</td>
<td>The CAs may provide written, public comments on draft if desired.</td>
<td>January 2012</td>
</tr>
<tr>
<td>Content Analysis/Response to Comments</td>
<td>Contractor prepares for Forest Service feedback</td>
<td></td>
<td>As appropriate, review comments within the CA’s expertise/jurisdiction and provide</td>
<td>March 2012</td>
</tr>
<tr>
<td>Changes to Environmental Document</td>
<td>Responsible Official - Ogden District Ranger signs decision notice. Publish legal notice in Ogden Standard Examiner</td>
<td>Responsible Official – SL Field Manager signs Decision Record.</td>
<td>NRCS Responsible Official – State Conservationist – signs FONSI if appropriate and makes available for public comment for 30 days.</td>
<td>April 2012</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Administrative Review</td>
<td>USFS Appeal Period – 45 days based on legal notice publication</td>
<td>BLM 30 day objection period based on certified mailing.</td>
<td></td>
<td>May 2012</td>
</tr>
</tbody>
</table>
Attachment B
Agency Representatives

**PRINCIPAL CONTACTS.** Individuals listed below are authorized to act in their respective areas for matters related to this instrument.

**Bureau of Land Management – Joint Lead Agency**

<table>
<thead>
<tr>
<th>BLM Primary Representative</th>
<th>BLM Alternate Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jill Silvey</td>
<td>Alan Bass</td>
</tr>
<tr>
<td>(Title Here)</td>
<td>(Title Here)</td>
</tr>
<tr>
<td>(Organization/Agency Name Here)</td>
<td>(Organization/Agency Name Here)</td>
</tr>
<tr>
<td>(Address Here)</td>
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</tr>
<tr>
<td>(City, State, and Zip Code + 4 Here)</td>
<td>(City, State, and Zip Code + 4 Here)</td>
</tr>
<tr>
<td>Phone: (xxx) xxx-xxxx</td>
<td>Phone: (xxx) xxx-xxxx</td>
</tr>
<tr>
<td>FAX: (xxx) xxx-xxxx</td>
<td>FAX: (xxx) xxx-xxxx</td>
</tr>
<tr>
<td>E-Mail:</td>
<td>E-Mail:</td>
</tr>
</tbody>
</table>

Primary Representative: Michael D. Gates
Alternate Representative: Tyler Steggs

**United States Forest Service – Joint Agency**

<table>
<thead>
<tr>
<th>USFS Primary Representative</th>
<th>USFS Alternate Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chandler Mundy</td>
<td>Ann Robins</td>
</tr>
<tr>
<td>Supervisory Range Management Specialist</td>
<td>Range Management Specialist</td>
</tr>
<tr>
<td>Uinta-Wasatch-Cache NF, Ogden Ranger District</td>
<td>Uinta-Wasatch-Cache NF, Ogden Ranger District</td>
</tr>
<tr>
<td>507 25th Street</td>
<td>507 25th Street</td>
</tr>
<tr>
<td>Ogden, UT 84401</td>
<td>Ogden, UT 84401</td>
</tr>
<tr>
<td>Phone: (435) 755-3636</td>
<td>Phone: (435) 755-3620</td>
</tr>
<tr>
<td>FAX: (xxx) xxx-xxxx</td>
<td>FAX: (xxx) xxx-xxxx</td>
</tr>
<tr>
<td>E-Mail: <a href="mailto:cmundy@fs.fed.us">cmundy@fs.fed.us</a></td>
<td>E-Mail: <a href="mailto:arobins@fs.fed.us">arobins@fs.fed.us</a></td>
</tr>
</tbody>
</table>

Primary Representative: Chandler Mundy
Alternate Representative: Ann Robins
Appendix C: Rough Draft Budget Tables
Appendix D: Consolidated Allotment Map
Appendix E: Land Ownership Map
Appendix F: Pasture Map
Appendix G: Rough Draft Grazing Plan
Appendix H: Water Distribution Map
Appendix I: Potential Partner List
Potential Partner List - Rich County Allotment Consolidation Project

This is list of possible partners for the Rich County Allotment Consolidation Project. It is put together to review with the permittees to measure their acceptance or apprehension.

Some of these partners are potential funders, others could provide valuable in-kind service such as monitoring. Yet others may simply be political allies.

Government entities:

Natural Resources Conservation Service (NRCS)

Salt Lake Field Office of BLM

Ogden Ranger District of USFS

State and Institutional Trust Lands (SITLA)

Utah Department of Agriculture and Food (UDAF)

Utah Department of Environmental Quality (DEQ), Div. of Water Quality

Utah Partners for Conservation and Development (UtahPCD)

Utah Department of Natural Resources/Watershed Restoration Initiative

Utah Division of Wildlife Resources (DWR)

Utah State University

Rich County Commission
Bear River Commission

NGO and Industry Groups:

Sportsmen for Fish and Wildlife (SFW)

Sportsmen for Fish and Habitat (SFH)

Trout Unlimited (TU)

Mule Deer Foundation (MDF)

Rocky Mountain Elk Foundation (RMEF)

Audubon

The Nature Conservancy (TNC)

Rich County Conservation District

Utah Farm Bureau Federation (UFB)

Utah Farmers Union (UFU)

Utah Cattlemen’s Association (UCA)

Utah Woolgrowers Association (UWG)

Society for Range Management (Utah Chapter) (SRM)

Bear Lake Watch (BLW)

Utah Association of Conservation districts (UACD)

National Fish and Wildlife Foundation
USFW Partners for Wildlife

Muzri Foundation
Appendix J: Personal Communication References
PERSONAL COMMUNICATION REFERENCES
RICH COUNTY ALLOTMENT CONSOLIDATION PROJECT


Johnson, Cheryl. 22 February 2011. BLM- Salt Lake City Field Office. Personal communication.

Banner, Roger. 15 March 2011. Utah State University Extension Rangeland Specialist. Personal communication.


Cornia, Candy. 9 November 2010. Rich Conservation District Board Member and Cumberland Allotment Permittee. Personal communication.


Burkhardt, Wayne. 9 November 2010. 3 Creeks Allotment Consolidation. Personal communication.