


Grazing Management Plan

Bighorn Canyon National Recreation Area



National Park Service

United States Department of the Interior



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GRAZING MANAGEMENT PLAN

for

THE DRYHEAD ALLOTMENT

FEBRUARY 1985

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. DESCRIPTION OF THE ENVIRONMENT	2
A. Geology, Topography and Soils	2
B. Vegetation	2
C. Climate	3
D. Cultural Resources	3
III. DESCRIPTION OF THE ALLOTMENT	4
A. Location	4
B. Range Condition	5
IV. THE GRAZING MANAGEMENT SYSTEM	5
A. Rest-Rotation System	5
B. Allotment Users (current permittees)	6
C. Grazing Schedule	6
D. Class of Livestock	7
E. Season of Use	7
F. Livestock Management Practices	7
G. Maintenance responsibilities	8
H. Fee Collection and Special Use Permits	8
I. Compliance Monitoring System	9
J. Duration of the Grazing Plan	9
V. NPS GRAZING, TRAILING and TRESPASS POLICY	10
VI. GENERAL LAND MANAGEMENT OBJECTIVES	12
VII. MONITORING and STUDIES PROPOSED	13
VIII. APPENDIX	14
IX. LIST of APPENDICIES	ii

LIST OF APPENDICIES

<u>Exhibit Letter</u>	<u>Title</u>	<u>Page</u>
a. Table # 1	Revised Use Level Calculations	15
b. Table # 2	Actual Previous Use Figures	16
c. Table # 3	Maps of the Four Pastures (A through D)	17 - 20
d. Exhibit d.	Trailing Permit	21
e. Exhibit e.	Livestock Grazing Permit	22
f. Exhibit f.	List of Current Permittees	23
g. Exhibit g.	Section 2.60, Federal register, Vol. 48, Number 177, June 30, 1983	24
h. Exhibit h.	Public Law 89-664	25 - 26

I. INTRODUCTION AND BACKGROUND

Grazing on the Dryhead Allotment has in the past been administered by the Bureau of Land Management (BLM) under direction of the National Park Service (NPS) although the lands involved lie entirely within the boundaries of Bighorn Canyon National Recreation Area (NRA). It was recognized by both agencies that this dual role was cumbersome; hence a solicitor's opinion was requested in late 1983 to clarify administrative responsibilities. The Field Solicitor's office, Billings, Montana, advised that the Act of October 15, 1966, 80 Stat. 913, U.S.C. para. 460t, assigned responsibility to the National Park Service for managing grazing and related activities on NPS administered lands. In addition, it was also advised that present users of grazing lands within the Dryhead Allotment do not enjoy preferred grazing rights.

Grazing administration of the Dryhead Allotment has been accomplished to date under a grazing plan prepared in 1975 by the BLM. The document, though outdated, will provide the basic framework for the new NPS plan. The new plan incorporates animal unit month (AUM) adjustments based on recommendations for proper use levels which were calculated by the BLM using the Ecological Site Method developed by the Soil Conservation Service (SCS). The new use levels are based upon previously authorized levels (by percentage) for each user and incorporate a 42.5% overall reduction. (See Table 1, Exhibit A). Grazing use of the Dryhead pastures has been generally decreasing in recent years. (For actual reported use for the preceding five years see Table #2, Exhibit B). Range users have complained that they have been unable to obtain their allotted use from the pastures in recent years because the forage simply wasn't available. The fact is emphasized by the BLM data. The revised use authorization levels are necessary steps to check the down trend in range condition and begin the long restoration process to restore former productivity to the grassland and adjacent nearby plant communities. Bighorn Canyon's Natural Resources Management Plan also identifies the need to find solutions for the deteriorating range lands which are grazed within the Recreation Area.

Within Bighorn Canyon National Recreation Area, public outdoor recreation is recognized as the primary use to be made of the available land resources. The Act of October 15, 1966, 80 Stat. 913, 16 U.S.C. para. 460t, sec. 3 (a)

states: "The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgement best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment."

This act is appended as exhibit h.

II. DESCRIPTION OF THE ENVIRONMENT

A. Geology, Topography, and Soils

The basic geological formation is Ten Sleep Sandstone. This parent material contributes to forming soils which are shallow, excessively drained, light colored, clayey and sandy in nature. They are developing on shale and sandstone bedrock. These soils are classified under the Midway-Lesinas association and the erosion classes are related as moderate to critical. High-intensity summer thunderstorms have contributed to accelerating rates of erosion throughout the area. The erosion rate is also linked to the reduction of total vegetative cover and litter accumulation on the ground surface which is due at least in part to continuous spring grazing.

The land surface is broken by deeply incised canyons which drain into Bighorn Lake. The rough terrain is difficult to fence and consequently, natural landforms were heavily relied upon in place of fencing for much of the boundaries of the various pastures. The rough topography and steep slopes also make gathering cattle particularly difficult. They are frequently missed which results in strays left to concentrate in fragile riparian zones near water throughout the summer months.

B. Vegetation

The major grass/forage species found in the allotment are bluebunch wheatgrass (Agropyron spicatum), western wheatgrass (Agropyron smithii), green needle grass (Stipaviridula), prairie junegrass (Koeleria cristata),

blue gramma (Bouteloua gracilis), and Carex spp. The major shrubs and forbs are big sagebrush (Artemisia tridentata), mountain mahogany (Cercocarpus ledifolius), black sagebrush (Artemisia nova), Utah juniper (Juniperus osteosperma), prickly pear (Opuntia polyacantha), and broom snakeweed (Gutierrezia sarothrae).

A few major species found in the canyons and coulees within the allotment area include chokecherry (Prunus virginiana), box elder (Acer negundo), serviceberry (Amelanchier alnifolia), rubber rabbitbush (Chrysothamnus nauseosus), and skunkbush sumac (Rhus trilobata). Others include cottonwoods (Populus deltoides) and (angustifolia), wild rose (Rosa spp.), and gooseberry (Ribes setosum).

C. Climate

Average precipitation is in the 12 to 14 inch rainfall belt, but considerable variability is evident with areas farthest from the Pryor Mountains receiving considerably less moisture. The major portion of precipitation falls during the growing season.

The mean maximum temperature of 72° F occurs in July, with a mean minimum temperature of 17° F in January. Temperatures are generally favorable for plant growth with approximately 110 to 120 frost-free days depending on the location and elevation within the allotment. Elevation varies from 3,640 feet at the surface of Bighorn Lake to approximately 5,000 feet at the east face of the Pryor Mountains.

D. Cultural Resources

The area has historically been used for livestock grazing. Since inclusion in the Bighorn Canyon National Recreation Area, however, the primary use of the land has shifted from grazing to outdoor recreation. Recreational opportunities in the form of sightseeing, camping, hunting etc., are excellent. The area contains many significant identified archeological sites which include the Bad Pass Trail, rock cairns, vision quest sites, wooden structures and teepee rings. The historic Caroline Lockhart Ranch, although surrounded by the allotment, is excluded from grazing.

III. DESCRIPTION of the ALLOTMENT

A. Location

The Dryhead Allotment is located in Carbon County, Montana, approximately three miles south of the Crow Indian Reservation in townships 7 and 8 South, ranges 28 and 29 East, PMM. It is bordered on the north by private lands, on the west by the Pryor Mountains and on the east by Bighorn Lake. Although part of the allotment lands are accessible by vehicle over paved roads, all of the South A pasture lies within the boundary of proposed wilderness and can only be reached by horseback or on foot. The westernmost portions are accessible only on horseback, on foot or by boat.

Acreage of pastures:

North pasture	2,152
Middle pasture	3,251
South A Pasture	4,278
South B pasture	<u>1,824</u>
Total	11,505

Maps of each of the four pastures are appended, See Table 3 (A through D), exhibit c.

B. Range Condition

The vegetative density, vigor and plant reproduction is classed as poor to fair depending on the site. The apparant trend is listed as static. Selective, continuous spring grazing by livestock over the years has been identified as the major factor contributing to present range conditions. There is a heavy infestation of broom snakeweed throughout the allotment. The table below depicts range conditions, by pasture, from the 1982 range analysis using the Ecological Site Method of the Soil Conservation Service.

<u>Pasture</u>	Range Condition				
	<u>EX</u>	<u>G</u>	<u>F</u>	<u>P</u>	<u>U.S.</u> (Unsuitable)
South A	0	.7	22	56	21
South B	0	3	37	58	2
Middle	0	1	48	37	14
North	0	0	50	34	16

IV. GRAZING MANAGEMENT SYSTEM

A. Rest-Rotation/Treatments

A two-treatment rest-rotation system alternating spring use and rest from year to year is in use for the Dryhead Allotment. The allotment will be used from April 1st. through June with fall use on the South A into November. The bulk of the use will be in the spring and early summer when the ranchers move their cattle to the summer range. Their summer range is far enough away that it makes it impractical for them to bring their cattle back to the allotment for the seed trample treatment then move them back to their summer range. With this type of rest-rotation there will not normally be a seed trample treatment following the seed ripe date since there will be no use on three of the pastures in late summer. There will be minimal amount of seed trample in the spring following the year of rest because there will be fewer seeds available for trample due to rodents, birds and wind/water action carrying the seed away. Alternating spring grazing and rest from year to year allows for restoration of plant vigor. This system is more desirable than continuous spring grazing where plants do not have a chance to build up food reserves for future growth.

1. Grazing Treatment

This is the spring use treatment. It will provide some seed trampling although it is in the spring following a year of rest rather than immediately following the seed ripe date.

2. Rest Treatment

This treatment is complete rest from grazing for one growing season. The purpose of this treatment is to allow the plants to rest to increase vigor.

Flexibility

Grazing turnout will not be allowed before the earliest date shown for each individual operator. The numbers of livestock and period of use will not exceed the numbers and days shown for each permittee.

The pasture receiving rest will not be available for grazing at any time during that year.

Any deviations from the grazing schedule or time and numbers will require advance written authorization from the superintendent of Bighorn Canyon National Recreation Area.

Any approved use deviation resulting in less than the operators' authorized use will not modify their future qualifications. The nonuse by a permittee of any allowance for grazing in one year will not carry over to subsequent years or entitle him to an increase of grazing use in any following year.

B. Allotment Users (See appendix for list of individuals currently holding permits for grazing the Dryhead Allotment, exhibit f.)

C. Grazing Schedule (continued from 1975 plan)

PASTURE	1st YEAR (1982)	2nd YEAR (1983)	3rd YEAR (1984)	4th YEAR (1985)	5th YEAR (1986)	6th YEAR (1987)
North	graze	rest	graze	rest	graze	rest
South A	rest	graze	rest	graze	rest	graze
South B	rest	graze	rest	graze	rest	graze
Middle	graze	rest	graze	rest	graze	rest

Handwritten notes and signatures are present below the table, including the number -6- and various illegible scribbles.

D. Kind (species) of Livestock

Only cattle and/or horses will be allowed use of the Dryhead pastures. Horse use will be calculated at the rate of 1.5 AUM's.

E. Season of Use

The preferred season of use from the standpoint of improving the range would be late summer or fall. Late season use would not harm the palatable grasses as much, and the resulting seed trample following the seed ripe date would contribute to better germination and establishment of grasses where unpalatable shrubs/forbs are increasing in density. Most users prefer spring use, however, and for varying reasons do not want fall use. One reason stated is that the cattle tend to bunch up along the south fences in the fall apparently eager to return home. Others feel that there is too much risk of an early snowstorm which would trap cattle in the sometimes inaccessible Dryhead country on into the winter. Finally, fall use would mean that the ranchers would have to split their trail herds which would make trailing difficult since all own more cattle than could conveniently use the limited pasture provided by the NPS allotment. Consequently, spring/early summer use is the major type of use proposed by the plan. No use will be allowed before April 1st. for any reason.

F. Livestock Management Practices

Each operator is responsible for managing his livestock to meet the objectives of the plan. No changes or alterations to the pastures or land surface will be allowed without the prior approval of the superintendent. Salt and other feed supplements may be fed but their location should be changed periodically. If it is necessary to feed hay, however, the feeding should be confined to the immediate vicinity of the entrances to the respective pastures. It is the intention of the NPS to control the spread of noxious weeds into the allotment area. In recent years Russian knapweed (Centaurea repens), spotted knapweed (Centaurea maculosa) and field bindweed (Convolvulus arvensis) are showing up with increasing frequency. It is difficult or impossible to control if allowed to spread throughout the remote reaches of the allotment. The knapweed is thought to be spread primarily by motor vehicles but may also be entering the Dryhead country in contaminated feed (hay) or transported by the animals themselves.

G. Maintenance Responsibilities

It will be the responsibility of each operator to insure that existing developments (fences, gates and water catchments) are in proper repair. Normally this will be accomplished as damage is noted. In no instance, however, will repairs be delayed beyond one month prior to the scheduled use of the respective pasture. Where a fence is shared by two adjacent pastures the common segment will be maintained as follows: Each permittee will be responsible for maintaining the right hand one half of the shared fence as viewed from his side. The NPS will assist by inspecting facilities and will report maintenance needs to the users involved. The NPS will initially turn the pastures over to the permittees in cattle tight condition. The NPS agrees to open and close the butyl bag catchments each spring and fall to prevent freezing. Other repairs to the catchments will be the responsibility of the users assigned to the pastures in which the structures are located. When the catchments reach the end of their useful lives it will be the responsibility of the cattlemen to bear replacement costs. Failure to do so could result in modification or termination of the permit since the rest-rotation system depends upon the catchments to distribute livestock use within the pastures.

H. Fee Collection and Special Use Permits

All ranchers grazing within the Dryhead Allotment will be issued use permits for five year time frames. In addition, all livestock owners who trail through the Recreation Area will be required to obtain annual trailing permits. Trailing permits will be negotiated after January 1st. but prior to trailing northward during the season for which use is anticipated and will be issued free of charge. Grazing fees for those currently in the system will be consistent with those established annually by the Secretary of the Interior and will be based upon the grazing formula stated in the Public Rangelands Act of 1978. The full fee shall be charged for each paying unit which is defined as each animal six (6) months of age or older during the period of use. No charge will be made for calves of the year accompanied by the mother cow. Users will be billed by the NPS immediately upon completion of their respective use for that year. Only stock owned by the permittee or his immediate family will be allowed use under this permit. (See appendix, exhibit d and e for examples of the grazing and trailing permits respectively).

I. Compliance documentation system

The following procedure will be used to identify livestock using the Dryhead pastures and to insure compliance with authorized stocking levels. Special eartags, provided by the NPS at cost, would be the preferred method of identifying livestock. Some such system is thought necessary due to the inaccessibility of portions of the pasture and the difficulty of monitoring use on them. The fact that the animals come on the pastures in the spring while brands are still haired over and difficult to read contributes to the difficulty in identifying animals. Although all permittees presently use eartags in one form or another, they are not part of a single, common use system and not all adult animals carry eartags.

The NPS recognizes, however, that inserting and maintaining the extra eartags would place an extra burden upon the operators. Consequently, an alternate system will be tried. Instead, the NPS will require that an authorized NPS employee inspect (count) each trail herd destined for the Dryhead pastures in the spring. The counting can, in most cases, be accomplished by the individual residing at the Hough (Layout) Creek Ranger station when the trail herd leaves the common use holding facility at Layout Creek. This location should prove convenient regardless of whether the stock is trucked or driven to the holding corrals since all are trailed north from that point. Ranger personnel can be contacted at any time to arrange for an inspection by telephoning the NPS visitor center in Lovell at 548-2251 to relay a message to Layout Creek by radio. Arrangements can also be made by contacting any park ranger in the field. A minimum of 24 hours advance notice is required.

If the alternate system does not prove workable for any reason it will become necessary to require the special eartags. Eartags would then be issued by the NPS and only animals bearing the eartags would be allowed onto the pastures. Cost of the eartags would then be assessed and included as part of the yearly AUM payment.

J. Duration of the Grazing Plan

This plan will remain in effect until cancelled or revised by the NPS. If changes become necessary all allotment users will be given advance notice and the opportunity to comment concerning the proposed changes. The NPS will not honor any transfer of grazing privileges as a result of the sale of

private property nor transfer of these privileges to heirs. The NPS will attempt to honor existing privileges through the lifetime of the present users as far as is possible by issuing the five year permits. For additional information concerning the transfer of grazing privileges. (See appendix f, current (1985) permits, p. 23).

V. NPS GRAZING, TRAILING and TRESPASS POLICY

Grazing by domestic livestock on lands within units of the NPS system is subject to conditions of Title 36 of the Code of Federal Regulations. Section 2.60 of that code is appended, (See exhibit g, p. 24). Trailing livestock north in the spring and south in the fall will be via the Bad Pass Road and will be by permit only. Livestock will enter on the Bad Pass Road from the south at the top of Yellow Hill near the junction with the old canyon road. The trailing route will be north past Barry's Landing Road junction up the gravel road and through Lockhart Lane. Livestock will exit park lands through the gate at the north boundary fence of Lockhart Lane. Fall trailing will be the reverse of the above. All trail herds will be close herded with no unattended drifting allowed. The NPS recognizes that there may be rare exceptions when a few strays will be missed during the fall roundup. Occasionally it may be necessary for a mother cow to return to seek a calf lost during the drive and for this reason the NPS will install a temporary cable gate at the north end of the Layout Creek holding area. The cable will remain in place during November and December to allow passage into the vicinity of the holding area by any animals missed in the roundup or lost on the trail. This gate cannot be left open without the cable in place, however, because wild horses use this area during the fall and winter. Owners will be notified of livestock which show up at the holding area and will be required to move them off within 48 hours. Any stock turned loose to continue south through the horse range unattended will be in trespass. No overnight stops will be allowed between the road right-of-way fences, in Lockhart Lane, in the South B pasture or in the wild horse range. Overnight stops will be allowed only at the holding pasture near Layout Creek (but not within the highway corridor) or in the common allotment corrals located at the north end of the holding pasture.

The National Park Service will make every effort to insure an adequate flow of water to the corrals during the trailing season in addition to the water always available from Layout Creek.

There will not be any trail use authorized beyond one day in the south pasture. This pasture is trailed through by all who trail along the Bad Pass Road. It is estimated that up to 5,000 head of stock passes through this area in some years. The trail driveway is subjected to excessive use as evidenced by the bare ground and deeply incised stock trails. It is absolutely essential that this type of damage be reduced to a minimum. It is necessary from the standpoint of reducing damage to the land resource and also to minimize the amount of forage lost by the permittees who are assigned use of the South A pasture.

All trailing through the Recreation Area will require a trailing permit and advance notification by word of mouth or by telephone at least 24 hours in advance of trailing. Trail bosses are required to have a rider present ahead of the herd while passing locations of poor visibility such as curves and hills while on the paved portion of the Bad Pass Highway. Trail drives will normally be accomplished during periods of low visitor use to minimize the chance of conflicts with motor vehicles.

Trespass situations will include:

1. Cattle or horses found in the pastures scheduled for rest will be considered in trespass.
2. Any livestock found in the South A pasture over one day during trailing will be subject to trespass action.
3. Without prior authorization from the Superintendent, livestock that is turned on before or left after the dates allowed by the allotment plan for each individual livestock operator will be considered in trespass.
4. Numbers of livestock exceeding the maximum number of head shown for each individual operator will be subject to trespass action.
5. Livestock left in the common holding area (near Layout Creek Ranger Station) for more than 48 hours will be considered in trespass unless previous authorization has been granted.
6. All unattended livestock found on the Pryor Mountain Horse Range will be subject to trespass action.

If livestock are found to be turned loose to drift or overnight at any location other than the holding pasture or corrals, the owner will be notified immediately to remove them. If they are not removed within 24 hours a violation notice pursuant to 36 CFR may be issued for trespass. If they are not removed within five (5) days they will be disposed of in accordance with 36 CFR, sec. 2.60, para. (c) (2). Any trespass may result in allotment use reductions and may be cause for future use denial (cancellation of use permit).

VI. GENERAL LAND MANAGEMENT OBJECTIVES

Land management objectives for Bighorn Canyon NRA were established and stated in the General Management Plan which was published in June, 1981. The strategy for managing vegetative resources is stated on page 19 of that document:

(1) Vegetation

"The predominant vegetative communities in the Recreation Area are desert shrubland in the south, juniper/shrub in the middle, and grassland in the north. Impacts of grazing and other human activities are still evident in the present day vegetative composition. The goal of the National Park Service management is to restore or maintain the landscape in a pristine condition and to minimize the impact of human activities. Research in the form of monitoring vegetation is essential to this goal.

Areas under continual utilization (grazing allotments, visitor use areas, mining sites) will be monitored to establish trends in the ecosystem and to identify early signs of significant deterioration. Every effort will be made to allow the restoration of areas that were once subject to extensive disturbance. Special attention will be given to preserving habitats that contain uncommon species and habitats that are unique or of special interest, such as riparian communities and pine forests along the canyon wall. Exotic species will be monitored and controlled. There are no known Threatened or Endangered plants in the Recreation Area, although a thorough inventory has not yet been performed,"

Once basic inventories are completed (see section VII) the NPS is legally bound to insist that the land resources under its care do not continue to deteriorate. The Dryhead pastures, including the riparian zones and mountain mahogany covered slopes and draws, will be monitored. Range trend data will be gathered using the standard Ecological Site Method. It will be a long range goal to bring the range into the good category. It will be an immediate goal to accept no further downward trend from present range

condition from the present static state. If future monitoring determines that additional forage is available, the NPS will consider increasing the allowable use of the pasture showing the improvement. If, on the other hand, it is determined that range condition deteriorates further it may become necessary to eliminate grazing completely.

VII. MONITORING ACTIONS AND STUDIES PROPOSED

In June, 1981, the BLM initiated four range condition/trend transects within the Dryhead Allotment. They also conducted utilization studies on the Dryhead during the summer of 1982. Bighorn Canyon staff installed raingauges in the area to help determine range site potential. Two historic ranch sites maintained by the NPS nearby provide grazing comparison controls. An additional four acre cattle enclosure was constructed by the NPS in the Middle Pasture in 1983 for use comparison with other nearby sites. The Daubenmire trend transects will be evaluated approximately every three years. Forage utilization monitoring will also be necessary yearly to insure that utilization does not exceed the 65% use levels established as part of the rest-rotation system in use for the Dryhead pastures.

A three part vegetation study which includes the Dryhead pastures was initiated in 1983 by the University of Wyoming. The first year focused mainly on a floristic survey and herbarium development. The second year consisted of a vegetation analysis and classification system and the final year will produce a conclusion of the vegetation analysis and a vegetation map.

A two year vertebrate inventory was also started in 1984 and will be complete in 1986.

The two above listed basic inventories are expected to provide park managers with additional information needed to manage Recreation Area lands for recreation and other related uses.

APPENDIX

TABLE # 1

Previous use authorization level = 1023 AUM

New recommended use level based upon 42.5% reduction under the rest-rotation system = 588 AUM +

Previous use authorization by permiee:

	<u>% of Total</u>
Tippetts - 414 AUM	40.5
Tilletts - 250 AUM	24.4
Sessions - 180 AUM	17.6
Bassett - 138 AUM	17.5
(exchange of use)- 41 AUM	

New use authorization based on 42.5% reduction:

1. 588 AUM allowable actual use at 65% average utilization by weight by key grasses.

2. Adjustments of current authorized use:

Tippetts - $588 \times 40.5\% = 238$ AUM

Tilletts - $588 \times 24.4\% = 143$ AUM

Sessions - $588 \times 17.5\% = 103$ AUM

Bassett - $588 \times 17.6\% = 79$ AUM

(exchange
of use)- 41 AUM

Total 604 AUM

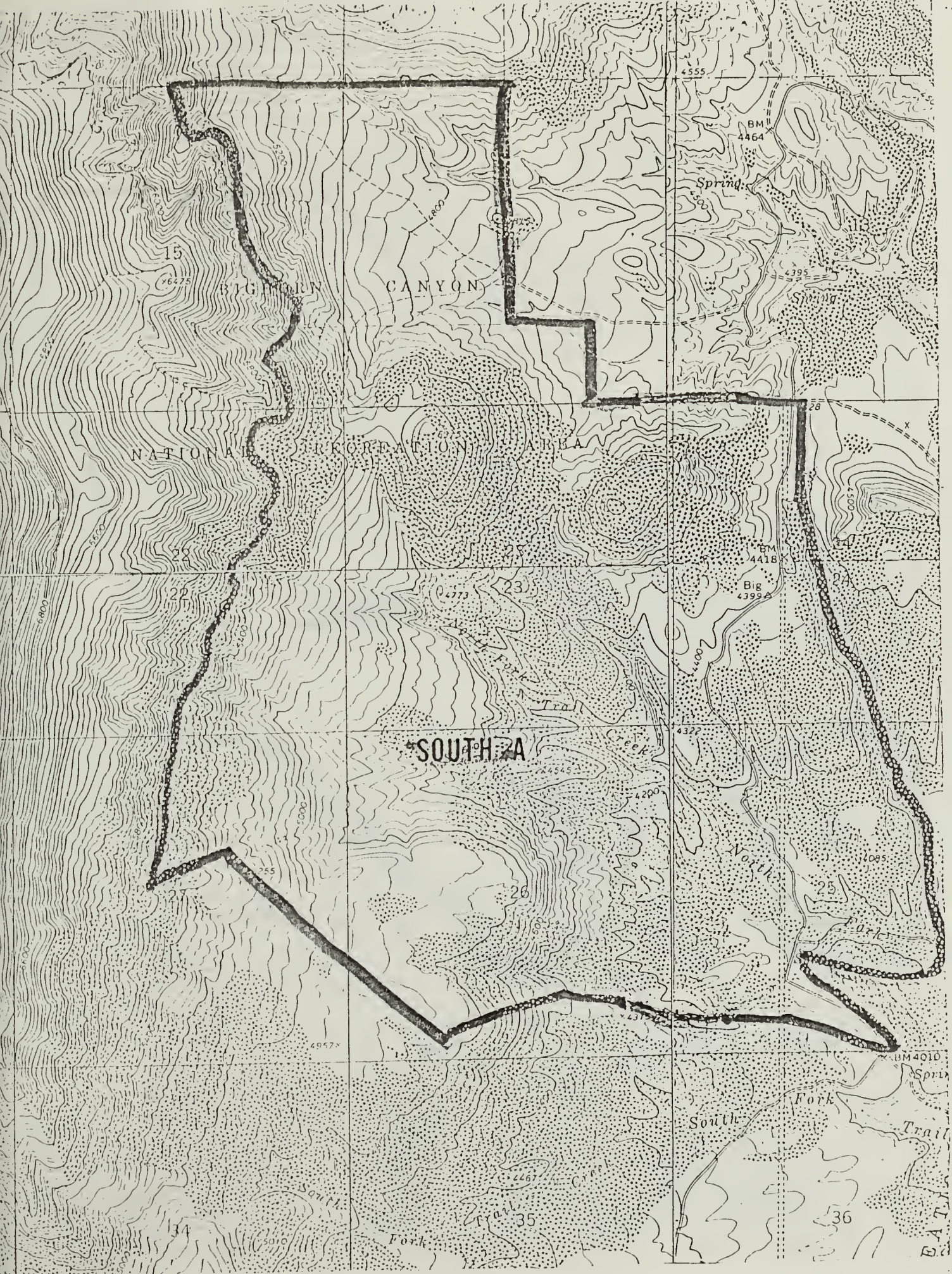
Handwritten notes:
 1/11/88
 2/11/88
 3/11/88
 4/11/88
 5/11/88
 6/11/88
 7/11/88
 8/11/88
 9/11/88
 10/11/88
 11/11/88
 12/11/88
 only

TABLE # 2

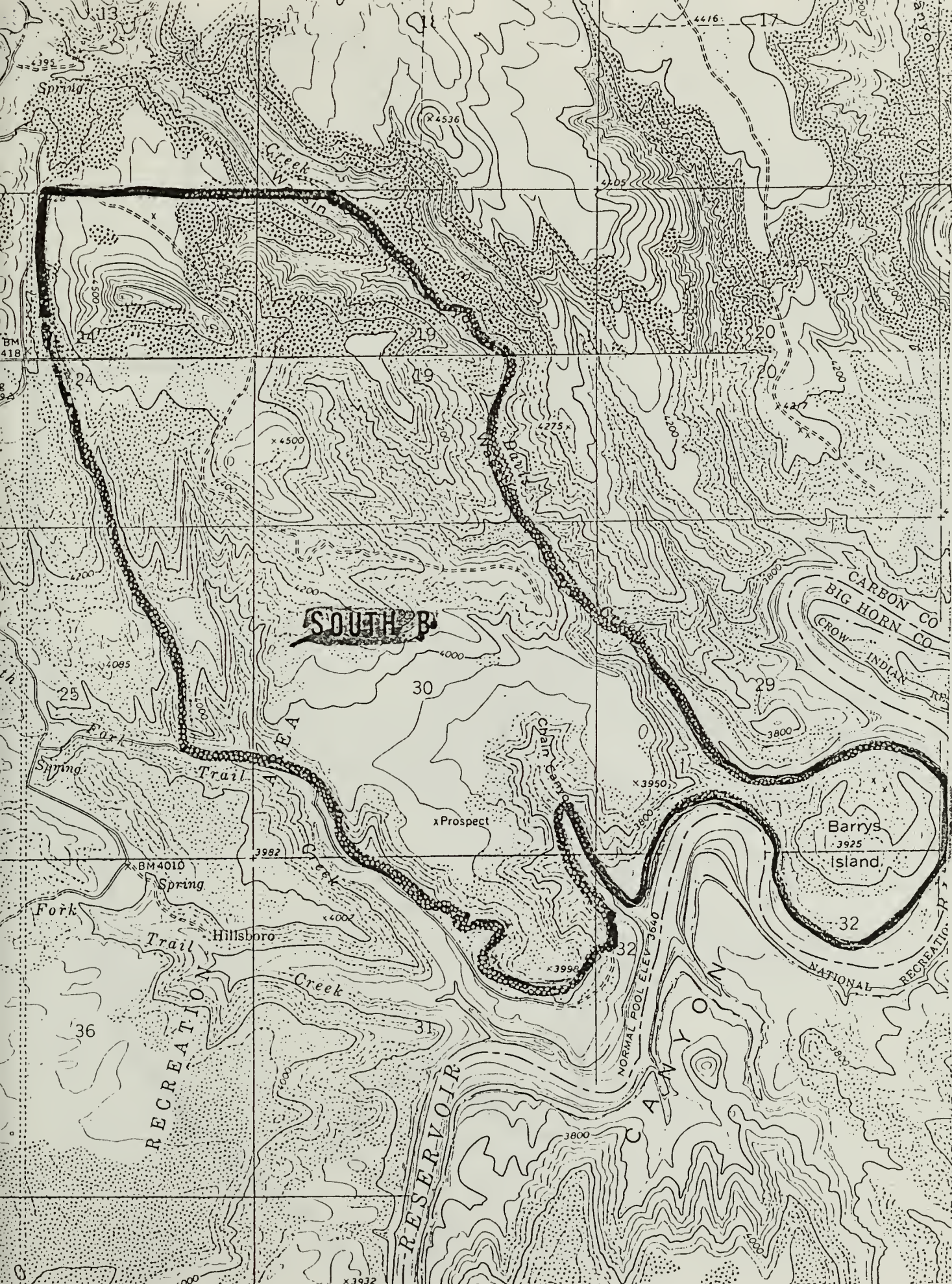
Actual Grazing Use for Recent 5 Year Period (AUM) :

<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
619	323	736	112	307

Five Year Average: 419 AUM











BIGHORN CANYON NATIONAL RECREATION AREA



Livestock Trailing Permit
(no charge)

Permittee _____
last name first initial

Address _____
street city state zip

Phone _____ / _____ Trail Foreman _____
area (if other than Permittee)

Dates to Trail, From _____ / _____ / _____ Through _____ / _____ / _____
mo day year mo day year

And Return in Fall of 19 _____

Number of Livestock to be Trailed. *Cattle _____ Horses _____
*Cow with calf of the year is considered 1 (one) cow

TRAILING ROUTE

In the spring the trailing route will be from the old Canyon Road at the top of Yellow Hill north on the Bad Pass Road to exit the Recreation Area at the north end of the Lockhart Lane. The reverse of this route will be used in the fall.

This livestock Trailing Permit is issued subject to the conditions set forth below and agreed to by the permittee whose signature appears below.

CONDITIONS OF PERMIT

1. There will be no drifting of livestock anytime on Recreation Area lands. All stock will be attended (herded) while passing through the Recreation Area.
2. Overnite stops will be permitted only at the Common Allotment Users Corral and holding pasture on the east side of the Bad Pass Road across from the Sorenson Ranch. No livestock to be left between road right-of-way fences.
3. On sections of the Bad Pass Road with short sight distances, drivers will be positioned ahead of and behind the trail herd to warn traffic of danger ahead.
4. Permittee will notify a field Ranger or Ranger personnel at the Bighorn Visitor Center in Lovell, WY. no later than 24 hours in advance of trailing livestock through the Recreation Area.
5. Permittee will close and secure all gates after trail herd has passed through.

I HAVE READ AND AGREE TO THE CONDITIONS OF THIS LIVESTOCK TRAILING PERMIT. I HEREBY RELEASE THE NATIONAL PARK SERVICE AND ITS EMPLOYEES FROM ALL LIABILITY FOR PROPERTY DAMAGE OR PERSONAL INJURY WHICH MAY OCCUR AS A RESULT OF THIS TRAILING OPERATION.

Signature of Permittee _____ date _____ Issuing Official _____ date _____

Original - So. Dist. file Yellow - Permittee Pink - HQ Blue - Res. Mgt. Spec.



BIGHORN CANYON NATIONAL RECREATION AREA

Livestock Grazing Permit

PERMIT NUMBER

PERMIT EXPIRES: _____

_____ of _____
(Name) (Address)

is hereby authorized to graze livestock owned by the permittee upon lands administered by the National Park Service within Bighorn Canyon National Recreation Area as described below.

Livestock			Period of Use		PASTURE
Number	Kind	Class	From	To	

The above use constitutes a total of _____ Animal Unit Months (AUM's) of grazing for which the National Park Service will be paid based upon the currently prevailing rate of _____ per AUM.

Conditions of Permit

1. It is agreed and understood that repairs to the perimeter fences of this assigned pasture which is located within the Dryhead Allotment; water developments, gates and other developments in place for livestock management purposes shall be maintained by the permittee using the pasture. All repairs and maintenance performed shall be subject to the approval of the NPS.
2. This permit is valid only for the numbers, class of livestock and dates shown on the face of this permit. It does not authorize the trailing of stock through or across NPS administered lands.
3. It is agreed and understood that this grazing permit may be cancelled, in whole or in part, for failure to comply with any of the provisions or requirements listed herein or within the Grazing Plan for the Dryhead Allotment.
4. Carcasses of dead livestock will be removed by the owner to a distance of at least two-hundred (200) feet from any live water, and at least five-hundred (500) feet from any area of concentrated public use or roadway used by the public.
5. Payment is due within 30 days of billing. Checks should be made out to National Park Service.

I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT			
SIGNATURE OF PERMITTEE OR HIS AUTHORIZED AGENT			DATE
SIGNATURE OF APPROVING OFF.	NAME (Print)	TITLE	DATE

CURRENT PERMITTEES

The Dryhead Allotment consists of four permits. The four current permittees are Ivan Tippetts, the Tillett family, (Royce, Lloyd and Rob Roy), Joe Basset and Jay Sessions. All of the users own land in the Big Horn Basin and trail their stock through the Recreation Area to private land north of Bighorn Canyon NRA.

It has been agreed that Joe Basset and Jay Sessions will run in common on the Middle and South B pastures. They will alternate early spring use in these two pastures from year to year, grazing one while resting the other. It is further agreed that Ivan Tippetts will have exclusive use of the South A pasture and Tilletts' sole use of the North pasture. Both have agreed to take their use every other year and consequently will only graze the NPS allotment every second year. See grazing schedule, page 6).

143 235

Tilletts' normal operation on the allotment will be 96 cattle from April 1st. to June 30th. for a total of 286 AUM's starting the spring of 1986. Ivan Tippetts' normal operation will be 218 cattle from September 1st. through November 4th. for a total of 476 AUM's starting the fall of 1985. Joe Bassett's normal operation will be 35 cattle from April 1st. through June 30th. for a total of 103 AUM's starting the spring of 1985. Jay Session's normal operation will be 52 cattle from April 1st through June 30th. for a total of 103 AUM's starting the spring of 1985.

Upon the death of any of the permittees named above their permit will remain with the immediate family for the remainder of the grazing year. If the superintendent determines that the permit is to be renewed it will then be offered to the public on a competitive bid basis for a five-year time frame. Designated heirs of the deceased will be given the opportunity to match the highest bid provided the deceased had a satisfactory grazing history which demonstrates a spirit of cooperation in dealing with the NPS concerning grazing related matters. In the event the heirs fail to match the high bid each of the remaining original permittees will be offered an option to match the bid. Eventually all Dryhead grazing will be on a competitive bid basis.

§ 2.60 Livestock use and agriculture.

(a) The running-at-large, herding, driving across, allowing on, pasturing or grazing of livestock of any kind in a park area or the use of a park area for agricultural purposes is prohibited, except:

(1) As specifically authorized by Federal statutory law; or

(2) As required under a reservation of use rights arising from acquisition of a tract of land; or

(3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene.

(b) Activities authorized pursuant to any of the exceptions provided for in paragraph (a) of this section shall be allowed only pursuant to the terms and conditions of a license, permit or lease. Violation of the terms and conditions of a license, permit or lease issued in accordance with this paragraph is prohibited and may result in the suspension or revocation of the license, permit, or lease.

(c) *Impounding of livestock*

(1) Livestock trespassing in a park area may be impounded by the superintendent and, if not claimed by the owner within the periods specified in this paragraph, shall be disposed of in accordance with applicable Federal and State law.

(2) In the absence of applicable Federal or State law, the livestock shall be disposed of in the following manner:

(i) If the owner is known, prompt written notice of impoundment will be served, and in the event of the owner's failure to remove the impounded livestock within five (5) days from delivery of such notice, it will be disposed of in accordance with this paragraph.

(ii) If the owner is unknown, disposal of the livestock shall not be made until at least fifteen (15) days have elapsed from the date that a notice of impoundment is originally published in a newspaper of general circulation in the county in which the trespass occurs or, if no such newspaper exists, notification is provided by other appropriate means.

(iii) The owner may redeem the livestock by submitting proof of ownership and paying all expenses of the United States for capturing, advertising, pasturing, feeding, impounding, and the amount of damage

to public property injured or destroyed as a result of the trespass.

(iv) In determining the claim of the government in a livestock trespass, the value of forage consumed shall be computed at the commercial rates prevailing in the locality for the class of livestock found in trespass. The claim shall include the pro rata salary of employees for the time spent and the expenses incurred as a result of the investigation, reporting, and settlement or prosecution of the claim.

(v) If livestock impounded under this paragraph is offered at public sale and no bid is received, or if the highest bid received is less than the amount of the claim of the United States or of the officer's appraised value of the livestock, whichever is the lesser amount, such livestock, may be sold at private sale for the highest amount obtainable, condemned and destroyed, or converted to the use of the United States.



Public Law 89-664
 89th Congress, S. 491
 October 15, 1966

An Act

To provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Bighorn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Bighorn Canyon National Recreation Area", LNPMPW-010A-BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

Bighorn Canyon National Recreation Area, establishment.

(b) As soon as practicable after approval of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of subsection 2(b) of this Act, by publication of an amended description in the Federal Register.

Boundaries. . .
 Publication in
 Federal Register.

SEC. 2. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is further authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate, as a visitor contact station and administrative site. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction in the States of Montana and Wyoming which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or any political subdivision thereof within the recreation area may be acquired only by donation or exchange.

Acquisition of
 land.

(b) No part of the tribal mountain lands or any other lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitation specified by the tribal council and approved by the Secretary.

Crow Indian
 tribal lands.

(c) (1) Notwithstanding any other provisions of this Act or of any other law, the Crow Indian Tribe shall be permitted to develop and operate water-based recreational facilities, including landing ramps, bathhouses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation

Recreational
 facilities.

area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

"Shoreline."

(2) As used in this subsection, the term "shoreline" means that land which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of the facilities referred to in this subsection.

Administration.

SEC. 3. (a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this Act, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

Hunting, fishing areas.

SEC. 4. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the United States and of the States of Montana or Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment, and except that nothing in this section shall impair the rights under other law of the Crow Tribe and its members to hunt and fish on lands of the Crow Tribe that are included in the recreation area, or the rights of the members of the Crow Tribe to hunt and fish under section 2 (d) of the Act of July 15, 1958. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

72 Stat. 363.

Appropriation.

SEC. 5. There is hereby authorized to be appropriated not more than \$355,000 for the acquisition of land and interests in land pursuant to this Act.

Approved October 15, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1819 accompanying H.R. 2778 (Comm. on Interior & Insular Affairs).

SENATE REPORT No. 64 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD:

Vol. 111 (1965): Feb. 10, considered and passed Senate.

Vol. 112 (1966): Sept. 19, considered and passed House, amended, in lieu of H.R. 2778.

Oct. 3, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.

