

TERM GRAZING PERMIT - PARTS 1 AND 2 (Reference FSM 2230)	Page 1 of 16
	Permittee Number R00202CNF
	Permit Number 00202A REP

PART 1

N N Bar Ranch Inc. of [REDACTED] hereinafter
 (Name of Permittee) (Post Office Address, Including Zip)

called the permittee, is hereby authorized to graze livestock owned by the permittee upon designated lands administered by the Forest Service within the Colville (X appropriate box)
 National Forest National Grassland under the following terms and conditions:
]

1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached map dated 1975, which is part of this permit. (Strike out item or items not applicable.)

2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:

LIVESTOCK			PERIOD OF USE		GRAZING ALLOTMENT
NUMBER	KIND	CLASS	FROM	TO	
75	Cattle	Cow/Calf	06/01	10/15	Day Creek--- 00202A REP

3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of Forest officers issued thereunder; or for knowingly and willingly making a false statement or representation in the permittee's grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soils and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 251, Subpart C.

4. This permit supersedes permit Dec. 19 2002 to James W. Olson issued

I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT

SIGNATURE OF PERMITTEE OR HIS AUTHORIZED AGENT 			DATE <u>3-7-08</u>
SIGNATURE OF FOREST OFFICER	NAME (PRINT)	TITLE	DATE

PART 2 - GENERAL TERMS AND CONDITIONS

1. Validation of Permit. The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.

2. Bill for Collection. Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.

3. Payment of Fees. The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.

4. Administrative Offset and Credit Reporting. Pursuant to 31 USC 3716 and CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owed the United States shall be disclosed to consumer or credit reporting agencies.

5. Interest, Penalty, and Administrative Costs. Pursuant to 31 USC 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall be charged using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.

Dec. 31, 2017

6. Term of Permit. This permit is effective until _____ unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service.

In order to update terms and conditions, this permit may be cancelled at **any time** provided a **new permit** is **issued** to the existing permit holder for a new term of 10 years **following this update**.

7. Ownership Requirement

(a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.

(b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge.

8. Range and Livestock Management

(a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.

(b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).

(c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.

(d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.

(e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.

(f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.

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

(h) The permittee will pay the costs of, perform, or otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.

(i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.

9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.

10. Protection. The permittee, or the permittees' agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forests System.

11. General.

(a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.

(b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.

(c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.

(d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.

(e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.

(f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 5 through 15 which follow.

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Special Terms and Conditions

Management Practices. (List the specific management practices required of the permittee, such as salting, riding and movement of cattle, herding or bedding of sheep; or incorporate into the permit the specific allotment management plan or other document which outlines these practices in detail. If you need additional space, use next page.)

The Allotment Management Plan for the Day Creek Allotment, approved by the Forest Supervisor on August, 1976, is hereby made a part of this permit.

This permit is tiered to the Environmental Impact Statement for the Colville National Forest Land & Resource Management Plan and is subject to the Standards and Guidelines contained therein.

The Day Creek Allotment is scheduled in the Forest Plan for development/update of the Allotment Management Plan (AMP). Upon completion of the AMP your Term Permit will be modified to incorporate this Allotment Plan. You will be expected to implement this AMP to ensure that management of the allotment is consistent with the Forest Plan.

The Annual Operating Instructions for the Management of the Day Creek, Allotment is hereby made a part of this permit.

Other. (List the provisions and requirements deemed desirable pertaining to sheep band sizes, counting, tagging, dye branding, lambing, bucking, specific fire protection measures, etc.)

The base property for this permit is identified as follows:

40 acres including corrals and watering facilities

SECTION 3 – TOWNSHIP 25 N – RANGE 38 E – W.M.

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Special Terms and Conditions

N Bar N ranch

Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation. (List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

Livestock will not be turned onto the Allotment until after all range readiness criteria specified in the Allotment Management plan are met and the maintenance check sheet is returned to the Range Department of the Forest Service. **Permittees in non-use status must also maintain their structural improvements or non-use will not be approved.**

After each improvement specify on the line provided what maintenance you have completed or what needs to be accomplished with Forest Service assistance.
Initial and Date.

NAME OF DEVELOPMENT LEGAL DESCRIPTION LOCATION RESPONSIBILITY
INFRA ID

72001	White Spring (Re-develop)	T40N R43E SW1/4 S.32	#115	
	White Cr/BLM Fence 1/2 Mile	T40N R34E NW1/2 S.32	Fig. 3	
	White Cr/BLM Fence 1/2 Mile	T40N R34E SW1/2 S.32	Fig. 4	BLM
	White Cr/BLM Fence 1/2 Mile	T39N R34E NW1/2 S. 5	Fig. 5	
	White Cr/BLM Fence 1/2 Mile	T39N R34E N1/2 N1/2 S.5	Fig. 6	BLM
72002	Cedar Spring	T40N R34E SE1/4 S.33	#114	

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Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation. (List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

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NAME OF DEVELOPMENT LEGAL DESCRIPTION LOCATION RESPONSIBILITY

INFRA ID

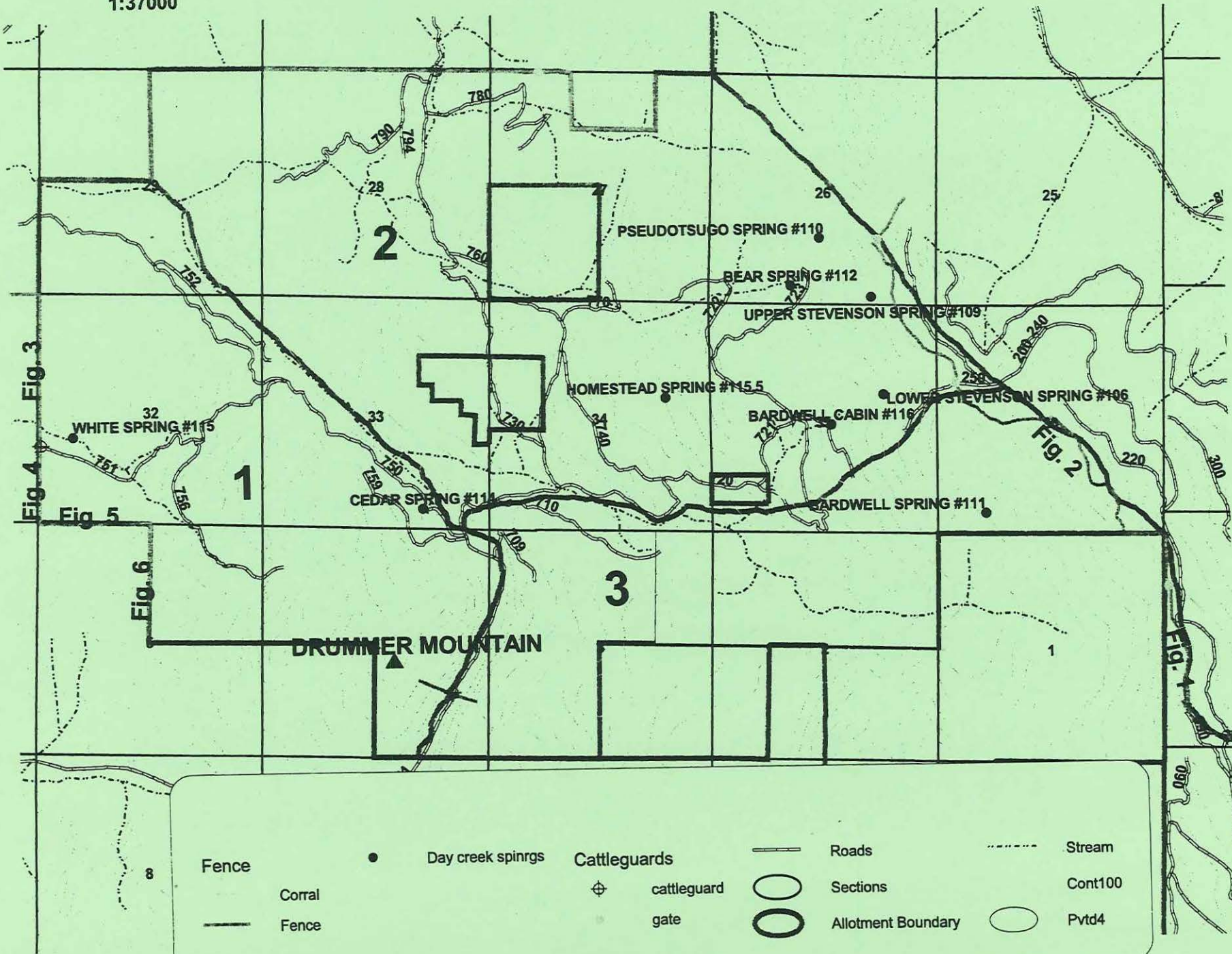
Sixman Spring	T40N R34E NE1/4 S.27	#113	N N Bar Ranch
72003 Lower Stevenson Sp.	T40N R34E NE1/4 S.35	#108	“
72004 Upper Stevenson Sp.	T40N R34E NE1/4 S.35	#109	“
72005 Pseudotsugo Spring	T40N R34E SE1/4 S.26	#110	
72007 Bear Spring	T40N R34E SW1/4 S.26	#112	
720011 Bardwell Spring	T40N R34E SENW1/4 S.35		
72006 Bardwell Spring	T40N R34E SW1/4 S.36	#111	
72009 Homestead Spring	T40N R34E SE1/4 S.34	#115.5	
720010 West Rocky Mtn. Fence	T39N R35E SE1/4 S.26		
2 Mi.	NW1/4 S.36	Fig.2	“
East Rocky Mtn. Fence	T39N R35E NW1/4 S.8		
2 Mi.	SE S.36	Fig.1	Grumbach & Son

DAY CREEK ALLOTMENT

1:37000



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Fence	Day creek springs	Cattleguards	Roads	Stream
Corral		cattleguard	Sections	Cont100
Fence		gate	Allotment Boundary	Pvt4

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UTILIZATION STANDARDS

Allotment (s);

Utilization standards will be monitored in the riparian areas by measuring stubble height as described in the Interagency Grazing Implementation Monitoring Module, and will maintain sufficient vegetation so as not to retard attainment of riparian management objectives. Upland and riparian utilization will meet the standards described in the Forest Plan, Allotment Management Plan and Annual Operating Instructions

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Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation. (List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

Standards for Maintenance of Range Improvements

Objective: Maintenance is to keep all structural range improvements, as near as possible, at the standard to which they were constructed.

It is the responsibility of the permittee, as documented in the term grazing permit, to perform improvement maintenance. **This is an annual obligation that must be performed even during periods of non-use.** Failure to perform this required maintenance may be the basis for adverse permit action. Improvement maintenance is a factor in range readiness. Maintenance materials are to be provided by the permittee. Improvement types are listed below with standards specific to the improvement.

Fences, General:

Fences across the forest have been built to various standards. A properly built structure will last 20-30 years and longer, if properly maintained. Maintenance will not be expected to bring a fence into a better standard than that to which it was built. This will require judgment by the allotment administrator.

Clearing:

Clear right-of-way 6 feet each side of the fence of all down logs, trees less than 8 inches diameter, brush, and overhanging trees or snags, and/or leave sufficient passage for livestock and horseback travelers.

Wire:

All broken wire will be spliced with #12-1/2 barbed wire or #10, or larger, galvanized tie wire. Slack wire will be tightened by splicing. Use wire stretchers to tighten wire. Twisting or kinking of wire to take up slack will not be permitted.

Staples and Nails:

Missing staples or nails are to be replaced. Staples will be tight against wire on solid ties but will provide for movement of the wire otherwise (1-1/2" staples should be used). Loose or replaced staples should be driven to desired depth. Do not kink wire by driving staples too deep.

Steel Posts:

These will be straightened and, as needed, redriven to a depth which leaves the anchor covered. Upward pressure will be relieved by use of a rock suspended from the fence. Wires will be securely fastened to the posts.

Wood Posts:

Only treated posts should be used as replacement for broken or damaged line posts. Generally, it will be wood post condition which dictates when a fence must be reconstructed.

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Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation (continued). (List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

Gates:

These are the weak link in range fences. A well-maintained gate, properly signed, easily opened and closed, will serve the improvement best. Forest users will be more likely to respect this type of gate and use it properly.

Stays of reasonable weight, securely fastened to the wires are required. Solid gate posts properly braced are necessary for proper functioning. Gate condition is a good indicator of the remainder of the fence.

Trees:

Trees may be used as posts only when they are: 1) within 2 feet of normal, straight line fence alignment; 2) at least 8 inches in diameter at 4-1/2 foot height; 3) protected from the wire by scabs, at least 2 inches thick, spiked to the tree.

Cattleguards:

These structures have the potential to be a serious liability problem when not properly maintained.

Installed in system road, maintenance will be performed as a part of road maintenance. Proper range administration will still include periodic inspection and recording of condition of these structures.

Cattleguards in county roads offer a variety of problems. Ferry County maintains cattleguards as needed. Stevens County has recently adopted a policy of maintenance of properly installed structures. Pend Oreille County will not maintain cattleguards.

There is no authority for Forest Service maintenance of cattleguards in county roads. Permittees are often not equipped to perform the routine cleanout and rewelding of rails. Some reasonable arrangement with the county on a pay basis, if need be, has proven the best solution. Ownership of cattleguards in roads which have been transferred to the counties, lies with the counties. Maintenance will have to be worked out between the permittee and the county.

Spring Developments:

Spring source enclosures must be properly constructed in order for maintenance to be effective. Wire structures are generally unsuitable and should be reconstructed with poles or a combination of poles and wire.

Troughs which are not properly located are impossible to maintain to an acceptable standard. Reconstruction is in order for developments having troughs in stream beds or in boggy areas.

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Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation (continued). (List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

Water developments constructed to protect the riparian area and permit a pleasing, aesthetic part of the environment, do a lot for public acceptance of grazing on forest lands.

The area around the trough needs to be kept built up and stabilized. Overflow arrangements must be kept cleaned out and functioning. Tanks must be kept level and stable.

Water developments are a high maintenance improvement and must be given constant attention.

Corrals and Chutes:

These have been constructed with a variety of materials in a variety of patterns. Maintenance in perpetuity should be the practice with these high cost improvements. Many of these benefit the permittee rather than the resource and would, therefore, be the permittee's to replace.

Facilities where livestock are concentrated are a high risk for new infestations of noxious weeds. These facilities will be monitored seasonally for noxious weed starts. Immediate control action will be taken by the permittee or Forest Service.

These facilities will be maintained to protect visual as well as functional values.

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Special Terms and Conditions

Other.

Rules for Ear Tags Required for Cattle Grazing Under Permit on National Forest-Controlled Lands

1. All permitted cattle, six months of age and older, when entering on National Forest-controlled lands must bear a Forest Service approved ear tag bearing a sequential number, letter, or number/letter character combination identification. Offspring of permitted cattle six months of age or less, when entering National Forest-controlled lands, are not required to bear an ear tag.
2. Permittees will furnish the required ear tags on permitted livestock (condition of grazing permit, part 2, Section 8f) beginning with the 1994 grazing season.
3. Permittees will furnish, in writing, the identification number of permitted animals put on National Forest-controlled lands to the Forest Officer in charge prior to their entry on said controlled lands each grazing permit period.
 - a. Each permittee is allowed to have not more than 5% of their permitted cattle without ear tags at time of turn out. For cows without tags, a full description of the cow, or cows, must be provided which specifies breed, color, and markings.
 - b. If more than 10% of the permitted cattle are found without ear tags during the grazing season, the permittee will be required to re-tag all his permitted cattle.
 - c. If a permittee has more than one (1) cow with the same ear tag number, they must be identified on the list that is submitted to the Forest Service. A full description of each cow must be provided which specifies breed, color, and markings.
4. Identification numbers and/or letter characters must be limited to a maximum of 4 characters, normally a minimum of 1 inch in height, displayed horizontally on the lower front of the ear tag. Line width of characters shall be a minimum of 1/8 inch in a contrasting color to the ear tag color. The required tag must have a display face of a minimum of 2-3/4 inches wide by 2 inches high.

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Other (continued).

The permittee's recorded brand may also be displayed on the face of the ear tag above the identification number.

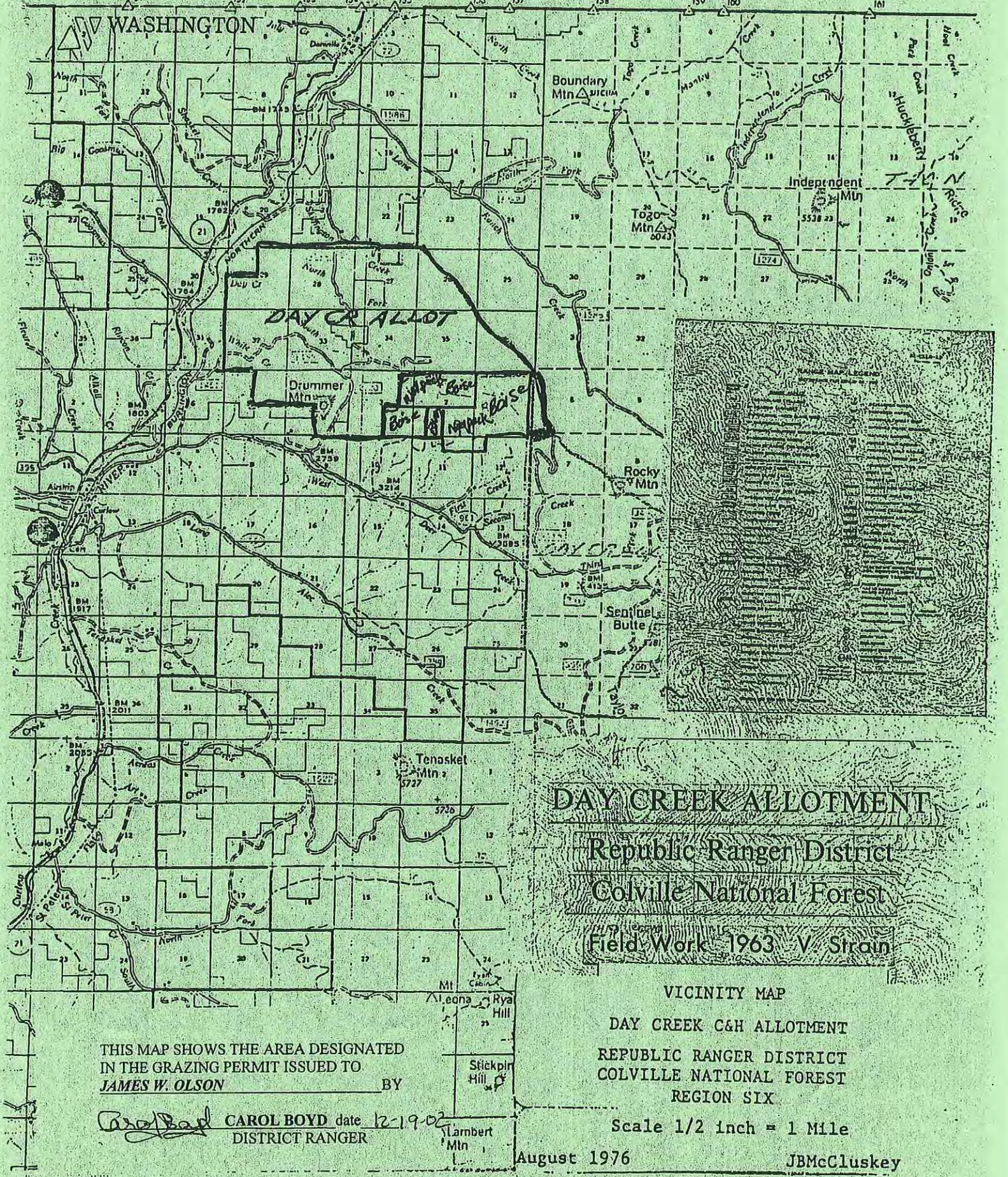
The reverse side (back) of the ear tag may be used for any other identification or data the permittee may wish, i.e. name and address, etc.

- Each permittee must obtain an approved ear tag color from the Forest Service. Colors will be assigned on the basis of the permittee's allotment and adjacent permittees, neighboring allotments, other adjacent cattle operations, and current use of acceptable ear tags.

BRITISH COLUMBIA

R. 34 E.

R. 35 E.



THIS MAP SHOWS THE AREA DESIGNATED
 IN THE GRAZING PERMIT ISSUED TO
JAMES W. OLSON BY

Carol Boyd **CAROL BOYD** date 12-19-02
 DISTRICT RANGER

DAY CREEK ALLOTMENT

Republic Ranger District

Colville National Forest

Field Work 1963 V. Strain

VICINITY MAP

DAY CREEK C&H ALLOTMENT
 REPUBLIC RANGER DISTRICT
 COLVILLE NATIONAL FOREST
 REGION SIX

Scale 1/2 inch = 1 Mile

August 1976

JBMcCluskey