



United States
Department of
Agriculture

Forest
Service

Tonto Basin
Ranger District

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Memorandum of Understanding Between

The Tonto Basin District Ranger of the Tonto National Forest AND

(b) (6) holders of term grazing permit #12196 issued on July 7, 2016, for 112 head of cattle yearlong on the Poison Springs Grazing Allotment.

It is hereby mutually agreed that permit #12196 issued to (b) (6) on July 7, 2016 is validated with 14 head of livestock and 98 head have been placed in non-use for resource protection at this time. Through the terms and conditions of this MOU it is mutually understood by the parties hereto that Permittees of permit #12196 voluntarily and in cooperation with the Forest Service, currently have stocked only 14 head of livestock on the Poison Springs Allotment as a result of resource conditions specifically the lack of water availability on the allotment due to numerous years of non-use and a lack on maintenance over those years of structural range improvements.

Although the southwest has been in a long term drought, forage conditions and production remain near normal on this allotment and both the Forest Service and permittees believe that the full permitted numbers eventually can be achieved once structural range improvements are brought back into working condition. It is the intention of the Forest Service to fully cooperate with (b) (6) holders of term grazing permit #12196 to allow the permittee to progressively stock the allotment back to full permitted numbers over a period of years at a rate jointly determined by the Forest Service and the Permittee.

Background: - The current Permit for the Poison Spring Allotment was signed on July 19th 2016 authorizing 112 head of cattle yearlong. When the permit was issued it was recognized by both parties that substantial work needed to be conducted on the allotment in order to bring range improvements back up to standard and achieve the full permitted numbers. It was mutually agreed to authorized 14 head of livestock with the understanding that the permittee would work on bringing these structural range improvements back up to standard and then be able to progressively increase the authorized numbers. In discussions with specialist and the permittee the pastures south of Roosevelt Lake and the Salt River was placed in non-use in order to first focus our efforts on bringing the Northern half of the allotment back up to standard prior to grazing these pastures.

Current Condition: - Since the permit was issued for the Poison Springs Allotment the permittee has reestablished water from Willow Spring to provide water to the North Willow, South Willow and East Highway Pastures, the cholla well has been fixed however the well at this time is only producing water in the winter months. The permittee has also fixed the Jose Well and is now in the process of working on the Chalk Creek Well in the Baker pasture. As such we are expected to increase the number of cattle for next year based on the natural increase in the heard and have a sufficient number of pastures ready to graze for the next grazing season.

Terms of MOU: -

In addition to the maintenance and work on existing infrastructure on the Poison Springs Allotment the following terms and conditions will be followed.

1. All range improvements on the Norther half of the Poison Springs Allotment must be brought up to Forest Service Standards as indicated in FSH 2209.22 (R3) within the term of Term Grazing Permit # #12196
2. Due to the large work load and financial costs in bringing the structural range improvement up to standard on the North half of the allotment, requirements for maintenance of structural range



improvements on the South half of the allotment will be put on hold until such time that a reasonable solution exists that both parties can agree to.


3. All actions will be within those described and outlined in the 2007 Biological Assessment for the Poison Springs Allotment and all Terms and Conditions of the 2008 Biological Opinion from the USFWS will be abided by.

It is therefore mutually agreed that nonuse for resource protection and development can continue, at a minimum, for the duration of the current term grazing permit as the permittee and Forest Service works together to progressively stock the allotment back to full permitted numbers, therefore the Forest Service considers permit #12196 validated with the current numbers of 14 head.

A minimum of 14 head will need to remain stocked and as additional pastures are brought up to Forest Service standards, no more than 112 total head will be allowed on the Allotment until such time that the Forest Service and permittee can determine a proper stocking level for this allotment based on current guidance and updated improvements. These numbers and terms have been hereby mutually agreed to by both the permittee and the Forest Service. If at any time the permit is waived back to the Forest Service, re-issuance of the Term Grazing Permit will be within the terms agreed to in this MOU and is binding on any and all successors to the Permittees interests. This MOU can be terminated by agreement between the Permittee and the Forest Service or until a decision based on an environmental analysis is completed.

A new Environmental Analysis is scheduled to be completed on this allotment by 2019. At that time a new AMP will be developed and a new Term Grazing Permit will be issued within the scope of that NEPA decision. Upon completion of a NEPA analysis this MOU will be considered null and void. At that time a new AMP will be developed and a new Term Grazing Permit will be issued within the scope of that NEPA decision.

District Ranger: 
Date: 11/10/2016

Permittee: 
Date: 11-10-2016