



File Code: 2230  
Date: January 1<sup>st</sup> 2015

**Re: Permit Modification #1 - Permit #12106  
Permittee #R12117**

Dear John and Sarah:

This modification is hereby made part of your grazing permit number 12106 and permittee number R12117, issued on September 23<sup>rd</sup> 2009, by Louise Congdon, District Ranger. It should be attached to your permit under Part 3 pages 12 and 13. This permit modification will be in effect for 3 years from the date signed or until further analysis and review has accrued as described in this letter. Authorized cattle numbers will be reviewed annually and may be adjusted up or down depending upon moisture and overall range conditions.

The changes will be as follows:

1. Part 1, #2 additional line items will be added starting on line item 3 as shown below;

*50	Cattle	Cow/Bull	01/01	12/31	Dagger
*150	Cattle	yearlings	01/01	04/30	Dagger
*Authorized increase will be evaluated for three years as described in Permit Modification #1 12106.					

2. The Dagger Allotment will formally incorporate the following pastures previously associated with the Poison Springs and Sierra Ancha Allotments; Upper Dry Creek, Lower Dry Creek and Oak Creek Mesa.
3. Lower Dry Creek Pasture will not be grazed until the completion of an NEPA analysis due to resource concerns associated with Coon Creek and the Salt River as determined by forest service officials and current best available science.
4. Oak Creek Mesa will only be grazed south of the upper bluffs in the Sierra Ancha Wilderness so long as cattle are kept out of Coon Creek and use is only incidental (Less than 5% use of leaders current growth below 6 foot). This is to protect threatened and endangered species that include Mexican Spotted Owl, Yellow-billed Cuckoo, Northern Mexican Garter snake, and Narrow-headed Garter snake that are currently found in Coon Creek



5. The Map dated January 22<sup>nd</sup> 2015 will be the new official map for the Dagger Allotment.

**Background:** - The Term Grazing Permit #12106 was issued to John and Sarah Sowers within the current scope of the 1981 Environmental Analysis. Permitted numbers authorized through that 1981 NEPA analysis are up to 300 Cow/Calf yearlong and 200 Yearlings from 01/01 – 04/30. In 1989 a production and utilization Survey was conducted showing that allowable capacity was as much as 8,483 AUMs which is above what was authorized in the 1981 Decision Notice.

The Dagger term grazing permit was later cancelled and not re-issued until 2009. General timing, intensity and duration of grazing can be changed through administrative processes as described in Part 1 #8(b) of the Term Grazing Permit so long as it is within the scope of the original NEPA analysis.

In 2009 when the permit was re-issued a conservative number of 125 head was authorized. Authorization was within the scope of the original 1981 NEPA Analysis. Previous analysis determined that resource concerns required further evaluation prior to full authorization of numbers as allowed in the 1981 NEPA analysis, therefore a reduced number of only 125 head was authorized and pastures containing significant riparian habitat along the Salt River, lower Coon Creek and lower Cherry Creek was limited in grazing due to resource concerns.

Additionally range improvements had fallen into disrepair through the non-use of the allotment and required significant work to bring them up to standard. Due to these recognized limitations and that the A-Cross Allotment which previously was used in conjunction with the Dagger Allotment not being permitted to the new permittee for the Dagger Allotment, in order to maintain a viable cattle operation additional pastures from the Poison Springs and Sierra Ancha Allotment was slated to be incorporated into the new Dagger Allotment. Acknowledging that enough changes have occurred on the Dagger Allotment and the need for further NEPA analysis an EIS was initiated in conjunction with 5 other grazing Allotments. This Analysis is still ongoing and this permit modification in no way precludes any alternatives being selected through that analysis.

**Current Condition and Monitoring Data:** – Through an Environmental Quality Incentive Program (EQIP) grant with the Natural Resource Conservation Service (NRCS), the current permittees have successfully brought many of the range improvements up to Forest Service Standards, including replacing/rebuilding multiple windmills and fences, additionally a fence was constructed along the eastern section of Cherry Creek in the Rock Pasture to prevent cattle from accessing the perennial section of Cherry Creek.

Monitoring in conjunction with the permittee and the University of Arizona has shown a stable trend on vegetation since 2009 and inspections have shown only light use during inspections conducted on the Allotment. With the incorporation of the new pastures from the Poison Springs and Sierra Ancha Allotments along with the positive work and good distribution of cattle found on the Dagger Allotment, additional numbers within the scope of the 1981 EA appear to be warranted on the Dagger Grazing Allotment. The new numbers authorized by this permit modification will allow for a total of 3,819 AUMs which is within the scope of the original 1981 DN and believed to be appropriate number given current resource conditions.

**Terms of Modification:** - This temporary increase is within the original 1981 Environmental Assessment and the FONSI signed on November 30<sup>th</sup> 1981 by James L. Kimball. This modification is authorized for 3 years at which time it may be extended for an additional two years for further analysis. At the end of that time period and with the completion of the monitoring of the increased numbers the Deciding Official will either revoke this temporary increase or incorporate it permanently into the Term Grazing Permit as outlined in FSH 2209.13 – 16.12a. Any NEPA Decision prior to that time will null and void this permit modification and a new Term Grazing Permit will be re-issued in line with the new NEPA decision.

**Appeal Rights:** - This modification is subject to administrative review, modification of the previous Term Grazing Permit is appealable under 36 CFR 214.4 (a)(1). Your appeal of this Term Grazing Permit Modification must be fully consistent with 36 CFR 214.8. The Responsible Official is willing to meet with permittee or solicited applicant to discuss concerns related to the modification of the Term Grazing Permit. Mediation may be requested in accordance with 36 CFR 222.20 through 222.26.

A notice of appeal must be filed with the Tonto National Forest Supervisor at 2324 E. McDowell Road Phoenix, Arizona 85006, within 45 days of the signature date on the Term Grazing Permit Modification(36 CFR 214.9). A copy of the notice of appeal should be filed simultaneously with the Tonto Basin Ranger District, District Ranger at 28079 N HWY 188, Roosevelt AZ, 85545. Appeal documents may be filed in person, mailed, or faxed to (928) 467-3239.

If you have questions regarding this Term Grazing Permit or appeal regulations, please contact your range staff at the district office, Eric Hoskins 928-467-3236.

Sincerely,



KELLY L. JARDINE  
District Ranger