



File Code: 2230

Date: February 25th 2015

**Re: Permit Modification #1 - Permit #12109
Permittee #R12109**

Dear Keith and Karen Spaulding:

This modification is hereby made part of your grazing permit number 12109 and permittee number R12109, issued on January 4th 2010, by Donal Luhrsen, District Ranger. It should be attached to your permit under Part 3 pages 14 and 15. This permit modification will be in effect until expiration of the Term Grazing Permit on December 31st 2019 or until further analysis and review has accrued under the National Environmental Policy Act.

The changes will be as follows:

1. Zig Zag Pasture and Braddock pasture will have seasonal grazing restrictions from May 1st to August 31st. Cattle will not be allowed to graze within these pastures during this time period.
2. Cattle will not have access to the Salt River, nor will they have access to the bed of Lake Roosevelt as lake levels recede.
3. All terms and conditions outlined in the January 15th 2008 Biological Assessment will be hereby incorporated into the Term Grazing Permit #12109.

Background: - An Environmental Assessment (EA) was initiated for the Poison Springs and Sierra Ancha Allotment in 1995 at this time the US Fish and Wildlife Service listed the Southwestern Willow Flycatcher as a T&E Species, therefore the EA determined that reinitiating of livestock grazing within the context of the proposed action at that time was going to have significant impacts due to proximity to T&E species and an Environmental Impact Statement (EIS) would be required. In 1997 a draft EIS was released to the public and following public comments, it was determined that additional information was required to be incorporated into the EIS. Shortly after this, the permit was cancelled and all cattle were removed from the Allotment. Additionally a lawsuit against the Forest Service based on the lack of current consultation in regards to newly listed species resulted in the initiation of a 33 Allotment Biological Assessment (BA). The resulting Biological Opinion (BO) from the U.S. Fish and Wildlife Service on January 15th 2008 incorporated mitigation measures that were not full described upon the issuance of the Term Grazing Permit 12109 when cattle were finally returned to the Allotment in 2010. This modification therefore formally incorporates any mitigation measures as outlined in the 2008 BO



or any future BAs or BOs issued in conjunction with the Poison Springs Allotment.

Terms of Modification: - This modification is within the terms of Part 1 clause 3;

"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."

The Biological Assessment and associated January 15th 2008 BO was a result of legal action taken against the Forest Service in order to maintain compliance with the Endangered Species Act. This therefore represents an adequate need for incorporation of the terms and conditions into Term Grazing Permit #12109.

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

Reviewed by:



KEITH AND KAREN SPAULDING
Permittees