

August 1, 2016

Neil Bosworth
Forest Supervisor
Tonto National Forest
2324 East McDowell Road
Phoenix, AZ 85006

Re: Bar X Ranch Cows and the previously excluded Turkey Peak and Colcord pastures

Dear Supervisor Bosworth:

In 1979, after an extensive range analysis and Environmental Assessment (EA), the then acting Tonto Forest Supervisor made a difficult decision that he recognized could have "political ramifications," when he put the Bar X under intensive management, reducing the herd size from 468 Cattle Year Long (CYL) to 59 CYL, and excluding further grazing in the Turkey/Colcord pasture that surrounds the communities of Colcord and Ponderosa Springs.

In the 1981-1985 Management Plan signed by Forest Supervisor James L. Kimball on January 13, 1982, he excluded grazing in the Colcord and Turkey Peak Allotments (See Plan at p.1, 4-5), but in an Addendum he stated: "should **future evaluations** determine that the Colcord Allotment and Turkey Peak Unit of the Haigler Creek Allotment have recovered and are capable of supporting domestic livestock on a sustained yield basis" the Forest Service would give "you or your successors . . . priority for use of the available capacity." (emphasis added). **Inexplicably, in 2015 the Forest Service allowed Bar X cattle into these previously excluded pastures with no evaluation and no NEPA analysis.**

The 1979 decision to exclude grazing was made based on data collected from 1971 through 1978 and published in the 1978 Bar X Range Analysis and Bar X Soils Report that portrayed "a resource steadily deteriorating as a direct result of severe overstocking and poor management." The Forest Service identified a "prolonged history of overstocking and unsatisfactory management [that] has depleted the range resource to a very critical level." Other significant findings documented in the aforementioned Reports, the 1979 EA, and the 1981-1985 Management Plan include:

- Severe overgrazing and poor management have depleted not only the range resource, but wildlife habitat, soils, and watershed quality;
- The Ponderosa Pine type has been depleted severely by overgrazing;
- Chaparral zones are grazed excessively;
- Extreme overuse of grass and browse on the Bar X . . . has severely damaged wildlife resource;
- Of the three primary needs of all wildlife species . . . food and cover have been the most severely damaged . . . which has reduced the capability of the land to support viable populations of wildlife species that one would expect to find;
- The fishery along Haigler Creek is damaged because of extreme livestock utilization of riparian vegetation and siltation resulting from upstream erosion;

- Excessive grazing by livestock eliminated cool season grass species in the woodland zone;
- Current Bar X conditions are a result of the excessive abuse and mismanagement of the grazing resources;
- The Bar X Allotment has been stocked above estimated capacity as far back as District records go;
- A prolonged history of overstocking and unsatisfactory management has depleted the range resource to a very critical point;
- The excessive utilization of grass by livestock has resulted in a loss of plant vigor and grass plant die-off;
- Wildlife habitat has been damaged significantly by the removal of herbaceous plant cover;
- Deer and cattle are in direct competition for browse; and
- The continuation of high intensity grazing will allow current soil loss to continue at the projected rate of 5 to 20 tons per acre/per year;

The foregoing points are but a few examples, and not exhaustive, of the Forest Services' description of the severe state the land was in due to overgrazing.¹ In addition to the foregoing, in the current Tonto National Forest Plan, the Forest Service found, "existing forage production is inadequate to support current livestock levels and wildlife grazing, resulting in declining site productivity, increased soil loss, and declining wildlife populations." (Source: Tonto National Forest Plan (October 1985) at p.9) (PLAN). The "Management Emphasis" in the PLAN is to "manage for wilderness values, wildlife habitats, and natural ecological processes while allowing livestock grazing and recreation opportunities that are compatible with maintaining these values and processes." (PLAN, Amendment 28, 1/18/2013 replacement page 144). In the Mogollon Rim area, the PLAN calls for "creation of wildlife habitat diversity, increased populations of emphasis harvest species, and recreation opportunities." (PLAN at Amendment 25, replacement page 151).

One of the primary purposes for originally establishing the Tonto National Forest was for watershed protection. The Forest Service recognized in 1978 that "protection of the water and soil resources is even more critical today than it was when the Tonto was established. In order to meet the tremendous demand for renewable resources, maintaining the soil in a productive condition is of the utmost importance . . . protection of the soil and water resources on the Tonto was recently made top priority on the Forest." (Source: 1978 Bar X Allotment Analysis).

Recognizing that "[t]he continuation of present management and overgrazing will over a short period of time irreversibly and irretrievably destroy the range resource due to excessive plant and soil loss," the Forest Service reduced the number of cattle allowed to graze on the Bar X allotments from an unsupportable high of 468 adult cattle yearlong to 59 cattle yearlong. (Source: 1981-1985 Management Plan)

¹ A dropbox link to the referenced Forest Service documents can be provided upon request to richdillenburg@gmail.com

Furthermore, as stated above, the Turkey Peak Allotment and the Colcord Allotment (Now apparently the "Turkey" allotment) were excluded from grazing. (Source: 1981-1985 Management Plan).

The Forest Service concluded that exclusion of the northern portion of the Bar X allotment would provide improvement of the upper portions of the Haigler creek watershed, among other things. (Source: 1981-1985 Management Plan).

Based on the Forest Service decision in 1979, there had been no Bar X cattle grazed in this northern (Turkey/Colcord) allotment that surrounds the Ponderosa and Colcord communities for over 35 years.

There are an estimated 112 properties in Ponderosa Springs and Ponderosa Springs Estates, and 204 properties in Colcord Estates. Most do not have fences, at least fences that can keep out cows. The community of Ponderosa Springs Estates commenced development in 1982 and has never seen cattle from the Bar X in the entire history of its development, and thus there are no fences. Indeed, both communities of Ponderosa Springs and Ponderosa Springs Estates were largely developed at a time when the Bar X ranch was precluded from using the northern allotments of Colcord and Turkey Peak to graze its cattle. In 2006, Mr. Hemovich formed a limited liability company, The Bar X, LLC, of which Mr. Hemovich is a managing member. The Bar X, LLC, on information and belief, purchased the Bar X ranch in around 2006/2007. The Bar X, LLC enjoys a permit from the Forest Service to graze cattle on public Forest Service lands, permit number 12083. In 2007, the Forest Service allowed The Bar X, LLC to graze 130 head of cattle yearlong. (Source: Term Grazing Permit for 2007).²

Despite the aforementioned decision to exclude grazing in the Colcord/Turkey allotment until such time as evaluations demonstrated it had recovered and was capable of supporting cattle grazing on a sustained yield basis, the Forest Service, in its Annual Operating Instruction dated December 8, 2014, inexplicably allowed The Bar X, LLC to move as many as 230 cattle into the Turkey pasture surrounding the Colcord/Ponderosa communities during July 19 through September 30, 2015. (Source: Annual Operating Instruction dated December 8, 2014). **This constituted the first time Bar X cattle had been allowed to graze up here under the Mogollon Rim in 35 years.** Prior to allowing cattle back into these allotments, there had been no "evaluations" as contemplated by the Forest Service as set forth in the Addendum. Furthermore, no National Environmental Policy Act (NEPA) analysis was completed; neither an EA or Environmental Impact Statement (EIS), prior to this authorization to graze in a previously excluded area.

The cows wreaked havoc in our communities during those few months. When Mr. Hemovich was called about the cattle, he responded that if a citizen didn't want cattle in their yards, they needed to fence them out. It hardly seems the American Way to require hundreds of residents to spend potentially hundreds of thousands of dollars to put up fences in order for one man to make more profits by introducing cattle into a previously excluded area. Mr. Hemovich must have known when he purchased the Bar X ranch that the northern allotments of Turkey/Colcord were excluded from grazing by order of the Forest Supervisor in 1979.

² The last known EA from 1985 had allowed an upward adjustment to 100 CYL with an AUM estimated capacity of 1300, with further evaluations needed.

This area is directly under the Mogollon Rim and is the least productive area for grazing and constitutes only a small portion of the grazing acreage available to the Bar X ranch. It holds abundant herds of Elk, deer and other species that have thrived since removal of the cattle 35 years ago.

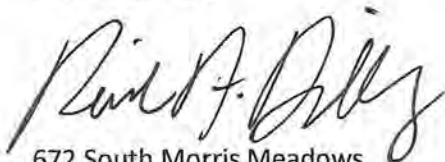
The residents of Colcord and Ponderosa Springs are very concerned about the reintroduction of cattle in 2015, and with this letter, respectfully submit 125 Letters of Concern and Petitions containing 135 signatures of Colcord and Ponderosa Springs residents for your consideration. We respectfully request that the Forest Service continue the injunction that has been in place since 1979 and keep the Bar X cattle out of the Colcord/Turkey Peak northern allotment until a NEPA Analysis and "evaluations" as contemplated by the Forest Service in the Addendum have been completed. The 135 signatories respectfully request to be notified as "affected parties" of any meetings that occur throughout the NEPA process. We will provide the Forest Service with additional petitions as they come in and respectfully request that their names be added to the "affected parties" list and notified of any meetings.

We respectfully request that one of the proposed actions which NEPA requires consideration is "No Grazing" in the Colcord/Turkey Peak allotment that surrounds our communities. We recommend that the Forest Service develop and study at least one NEPA alternative that would permanently eliminate grazing within the Colcord and Turkey Peak pastures, due to the significant issues identified here and changes in land-use patterns over time. A second, but less desirable, alternative would be restoration of the old allotment fences which surround the communities (GPS map attached), and would protect the communities from the cattle, obviating the need for potentially hundreds of thousands of dollars in collective expenditures if homeowners are forced to put up their own fences. We will provide updated GPS coordinates to the range resource officer.

In conclusion, it is our hope that after a thorough analysis and thoughtful consideration, the Forest Service will deem it appropriate not only to continue the previous grazing exclusion of the Colcord/Turkey allotment that had existed for 35 years, but indeed to permanently close this area under the Mogollon Rim to future grazing, setting it aside for the Elk herds, Deer, Turkey, Trout, Hunters, Campers, Recreationists and future generations' use and enjoyment of the land.

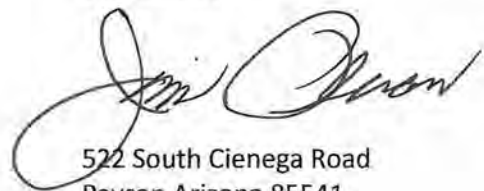
Sincerely,

Rich Dillenburg



672 South Morris Meadows
Payson Arizona 85541
(Ponderosa Springs Estates)

Jim Ollson



522 South Cienega Road
Payson Arizona 85541
(Colcord Estates)

Enclosures

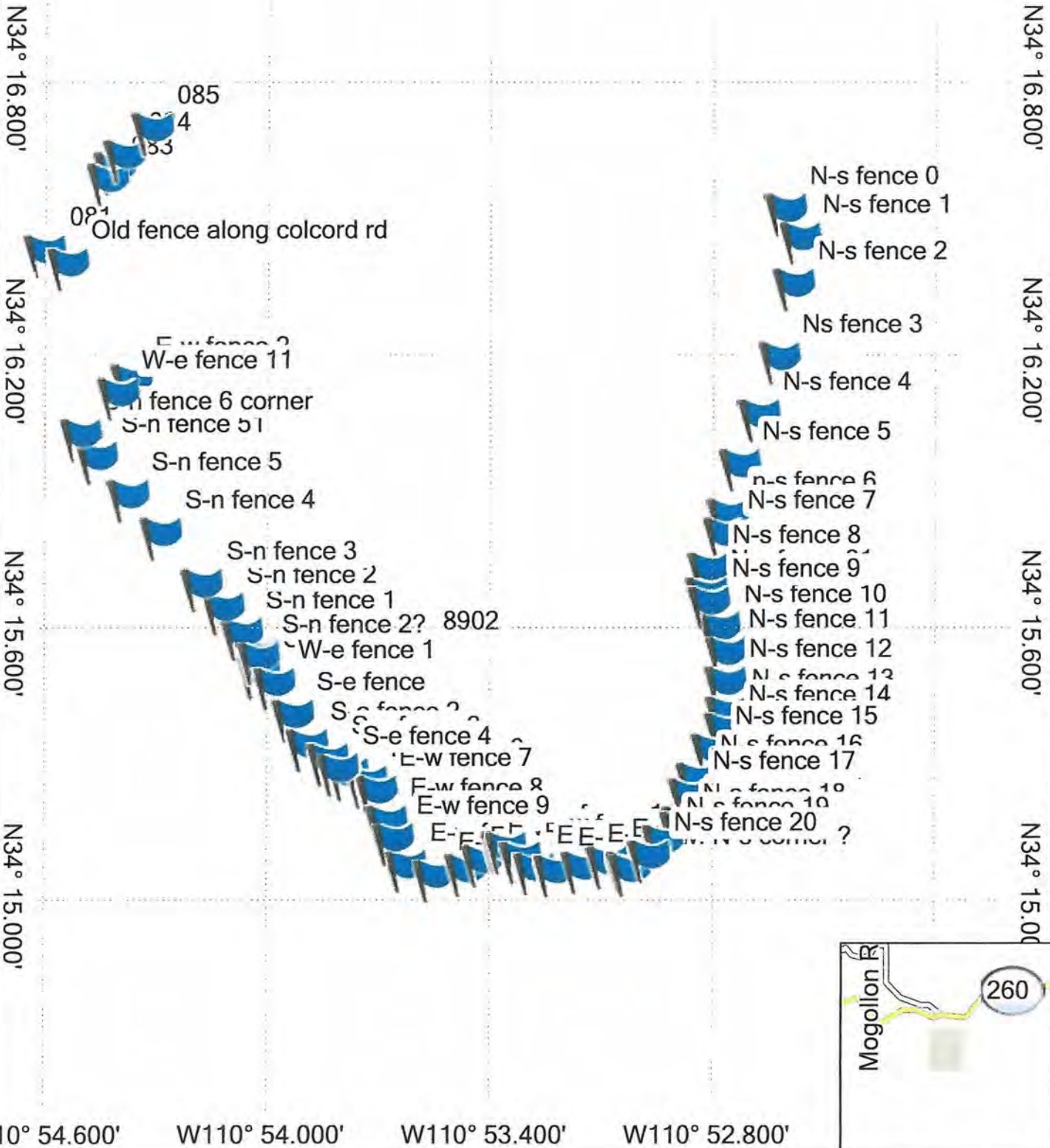
CC: Senator John McCain
Senator Jeff Flake

Congressman Paul Gosar
District Ranger Debbie Cress
John Smith, U.S. Fish and Wildlife (via email at John_Smith@FWS.gov)
Danny Rodriguez, Az Game and Fish Area Game Manager
Dr. Ann Justice-Allen, Az Game and Fish Wildlife Research Director
Brad Powell, Arizona Wildlife Federation
Centers for Biological Diversity
Sierra Club
Trout Unlimited
Rocky Mountain Elk Foundation

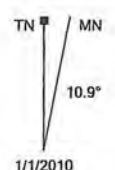
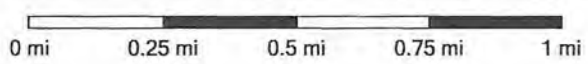
Lat/Lon hddd°mm.mmm' WGS 84

W110° 52.800'

W110° 52.200'



Global Map



fence lines

GARMIN

1/1/2010