

**MEMORANDUM OF UNDERSTANDING (MOU)
FOR
RESOURCE MANAGEMENT AND NON-USE AGREEMENT
Between**

Prescott National Forest, Bradshaw Ranger District
(USDA, Forest Service)
And

Tres Bees LLC, Holder of Term Grazing Permit for Burnt Ranch, Cold Springs and Board Creek
Allotments

PURPOSE: The purpose of this Memorandum of Understanding is to provide a means by which the parties involved can cooperatively provide for the repair and maintenance of range developments on these allotments without jeopardizing permittee's Term Permit permitted numbers. This MOU is designed to provide flexibility and cooperation. Either party can at any time request modification or cancellation of this agreement with 30 day written notice.

STATEMENT OF MUTUAL BENEFIT AND INTERESTS: The Prescott National Forest, and Tres Bees LLC, are each committed to the proper management and improvement of range, watershed, riparian and wildlife habitat resource within the Burnt Ranch, Cold Springs, and Board Creek Allotments. Each entity recognizes that there are limitations to each other's resources, authority, administration, and management direction. It is also recognized that due to the current non-functioning condition of many of the range improvements on the allotment coupled with the extreme drought conditions at this time, effective livestock grazing is contingent upon the repair of fences and waters to functional condition.

FOREST SERVICE SHALL:

- 1) Waive the requirement to validate the permit by stocking 90% of permitted numbers for the duration of this agreement.
- 2) Authorize Resource Protection non-use up to 100% per year, per allotment, until range improvements have been returned to functional condition and condition has been verified by Forest Service personnel.
- 3) Provide no less than one mile of fence material (steel posts, wire, staples, and clips) and an administrative free use permit for posts and stays, for *reconstruction* of fences per year.
- 4) Provide additional fence and other materials as funding available, and replacement is necessary.

PERMITTEE SHALL:

- 1) Take Resource Protection non-use on Burnt Ranch Cold Springs and Board Creek Allotments, until range improvements are functioning and inspected in several pastures. **The maximum authorized use will be 35 head of cattle (Cow/calf) yearlong** until all range improvements are functioning and inspected by Forest Service personnel. As range improvements are returned to functional condition, permittee may request increases in authorized cattle numbers. Livestock increases will be authorized by the Forest Service as monitoring and inspections dictate appropriate. Stocking to full permitted numbers (72 head cattle yearlong on Burnt Ranch, 167 cattle yearlong on Cold Springs, 120 cattle from 11/16 to 5/15 on Board Creek) will not occur until all assigned improvements are in functioning condition.
- 2) Proceed with due diligence to repair, maintain, and or reconstruct assigned range developments to accomplish the schedule listed below.

Burnt Ranch Allotment

Range Improvement (Fences)	Date of Completion*	Est. Distance
All boundary fences maintained or rebuilt to standard, (4.2 miles shared with Cold Springs)	1 Jan 2020 ✓	3.5 miles
Interior fence (003F48) maintained or rebuilt to standard	1 Oct 2022	2.0 miles
Interior fence (003F47) maintained or rebuilt to standard	1 Oct 2022	1.09 miles
Stringfield Holding (003F29)	1 Oct 2022	0.77 miles
Willow Mesa interior fence maintained or rebuilt to standard	1 Oct 2022	0.75 miles
America Mesa interior fence maintained or rebuilt to standard	1 Oct 2022	0.53 miles

*Dates are subject to change as conditions of existing fence are determined and amount of work required to bring to standard is ascertained. Appropriate consideration will be made to allow for the remoteness/roughness of the fence locations.

Range Improvement (Waters)**	Estimated Date of Completion***
American pasture, Main pipeline and associated drinkers and storage	1 Oct 2023
Stringfield #1 well, solar, storage and drinkers	1 Oct 2023 ✓
Stringfield #2 well, solar, storage and drinkers	1 Oct 2023
Juniper horizontal well, pipeline, drinkers and storage	1 Oct 2023
Stringfield spring, pipeline and drinkers	1 Oct 2023
Spruce spring pipeline and drinker	1 Oct 2023

** Once returned to functional condition these improvements will be charged and supplying water when cattle are in the associated pasture(s) unless earthen tanks are determined to be providing adequate water.

***These dates are subject to change as:

- 1.) conditions of existing pipeline, troughs, and storage are determined,
- 2.) amount of work required to bring to standard is ascertained, and
- 3.) availability of FS funding to supply the necessary materials for replacement.

Cold Springs Allotment

Range Improvement (Fences)	Date of Completion*	Est. Distance
All boundary fences maintained or rebuilt to standard. (5.76 shared with Board Creek, 4.2 shared with Burnt Ranch)	West side 1 Jan 2020 ✓ East side 1 Oct 2022	29.8 miles
Interior fence (#00C370) maintained or rebuilt to standard	1 Oct 2022	2.15 miles
Copper Basin West Rudy/Rudy Interior fence (0A3C29, & 0AC30,) maintained or rebuilt to standard	1 Oct 2022	4.45 miles
Copper Basin Root Plow interior fence (003C61) maintained or rebuilt to standard	1 Oct 2022	1.68 miles
Dodge root plow Rudy interior fence (003C65) maintained or rebuilt to standard	1 Oct 2022	2.55 miles
West Rudy Rudy interior fence maintained or rebuilt to standard	1 Oct 2022	2.25 miles
Fish Spring Water lot	1 Oct 2022	.46 miles
Trap Spring Corral (If decided to rebuild)	1 Oct 2022	.3 miles

*Dates are subject to change as conditions of existing fence are determined and amount of work required to bring to standard is ascertained. Appropriate consideration will be made to allow for the remoteness/roughness of the fence locations.

Range Improvement (Waters)**	Estimated Date of Completion***
Siphon spring main pipeline and associated drinkers and (add storage)	1 Oct 2023 ✓
Finch well, solar, pipeline, storage and drinkers	1 Oct 2023
Fish spring, clean out	1 Oct 2023
Mule Camp spring pipeline, drinkers	1 Oct 2023
Railroad, Upper Fred's, and Hogan Stock tanks	1 Oct 2023
Nine Strikes spring, pipeline and drinker	1 Oct 2023
Canfield spring, pipeline and drinker	1 Oct 2023
East copper spring and drinker	1 Oct 2023
Trap corral spring and drinker	1 Oct 2023
Board creek spring	1 Oct 2023
Finch Spring	1 Oct 2023

** Once returned to functional condition these improvements will be charged and supplying water when cattle are in the associated pasture(s) unless earthen tanks are determined to be providing adequate water.

***These dates are subject to change as:

- 1.) conditions of existing pipeline, troughs, and storage are determined,
- 2.) amount of work required to bring to standard is ascertained, and
- 3.) availability of FS funding to supply the necessary materials for replacement.

Board Creek Allotment

Range Improvement (Fences)	Date of Completion*	Est. Distance
All boundary fences maintained or rebuilt to standard, (5.76 miles shared with Cold Springs)	West side 1 Jan 2020 South & East 1 Oct 2022	14.8 miles
Interior fence maintained or rebuilt to standard	1 Oct 2022	0.24 miles

*Dates are subject to change as conditions of existing fence are determined and amount of work required to bring to standard is ascertained. Appropriate consideration will be made to allow for the remoteness/roughness of the fence locations.

Range Improvement (Waters)**	Estimated Date of Completion***
Lee well, Mill, storage and drinker & Solar	Done ✓
Telegraph Well, Mill, pipeline storage and drinker	1 Oct 2023
Masonry dam pipeline and drinker	1 Oct 2023
Glenn Oaks spring pipeline and drinker	1 Oct 2023
White Spar well, storage and drinker (If decided to)	1 Oct 2023


- partial
- plan to expand.

** Once returned to functional condition these improvements will be charged and supplying water when cattle are in the associated pasture(s).

***These dates are subject to change as:

- 1.) conditions of existing pipeline, troughs, and storage are determined,
- 2.) amount of work required to bring to standard is ascertained, and
- 3.) availability of FS funding to supply the necessary materials for replacement.

Agreed to and signed:


 Mike Rosengrants, Tres Bees LLC, Permittee 4-29-19
Date


 Sarah Tomsy, Bradshaw District Ranger 5/7/19
Date