

**File Code:** 2210  
**Date:** April 11, 2024

Yavapai Apache Nation  
Rose Whitaker  
2400 West Datsi Street  
Camp Verde, Arizona 86322

Dear Ms. Whitaker:

This document serves as your 2024 Annual Operating Instructions for Casner Park/Kelly Seep Allotment. This AOI is part of your Term Grazing Permit as provided for in Part 2, section 8(a). Please review all sections of this AOI and contact your Rangeland Management Specialist if you have any questions.

## **I. AUTHORIZED LIVESTOCK NUMBERS/PERIOD OF USE**

For the 2024 summer grazing season, Little Horse Ranch Limited Partnership (Term Grazing Permit #01317) and Yavapai Apache Nation (Term Grazing Permit #95087) will both graze cattle on the Casner Springs/Kelly Seep Allotment.

The 2024 Authorized Use Request has been approved and you are authorized the following Livestock Numbers and Periods of Use:

Permittee	Livestock Number	Kind/Class	Graze Dates
Little Horse Ranch Limited Partnership	230	Cattle/Yearlings	6/1-10/15
Yavapai Apache Nation	128	Cattle/Cow-Calf	5/20-10/15
Yavapai Apache Nation	11	Cattle/Bulls	5/20-7/15

Increases in the 2024 authorized livestock numbers will require that you file an additional Authorized Use Request. Be advised that the Forest Service will need a minimum of 45 days to assess resource conditions and process a supplemental grazing bill for additional livestock. Please contact your Rangeland Management Specialist prior to making any decisions regarding increased livestock numbers.

## **II. GRAZING SCHEDULE**

The following is the planned grazing sequence for the 2023 grazing period. The pasture move dates shown are an estimate and may need to be amended based on actual conditions.



Herd 1

Pasture	Planned Graze Period	Livestock Numbers
Kelly	5/20-5/31	139 – c/c + bulls
Kelly	6/1-7/1	269 – c/c + bulls + yearlings
East Kelly	7/2-7/15	269 – remove bulls
East Kelly	7/16-7/25	258 – c/c + yearlings
Saginaw	7/26-9/10	258 – c/c + yearlings

Herd 2

Pasture	Planned Graze Period	Livestock Numbers
South Coulter	6/1-6/15	100 – yearlings
North Coulter	6/16-9/10	100 - yearlings

Combined Herds

Pasture	Planned Graze Period	Livestock Numbers
North Coulter	9/11-9/16	358 – c/c + yearlings
South Coulter*	9/17-10/7	358 – c/c + yearlings
Casner Park	10/8-10/15	358 – c/c + yearlings

\*South Coulter can be re-grazed depending on forage availability and condition.

Changes from the grazing schedule will be made only with Forest Service approval. The planned use period in a pasture may be shortened or lengthened depending on forage availability and utilization in key areas. Livestock pasture moves will be completed within a ten (10) day period and livestock will be actively herded from one pasture to another. It is imperative that once a pasture move occurs, the livestock remain within the designated pasture. For various reasons (i.e., pasture gates left open, cattleguards not maintained, cut fences, etc.), cattle may stray from the designated pasture.

Preventing livestock from grazing adjacent allotments, your allotment's rested pasture, or re-grazing previously used pastures is the permittee's responsibility.

### III. DROUGHT MANAGEMENT

Drought is an inevitable occurrence in the southwestern United States. Both the Forest Service and grazing permittees must plan for drought as a normal part of management. During periods of drought, the following management actions may be necessary:

1. Stocking levels may need to be reduced. Reductions may be necessary prior to the permitted season of use and/or during the permitted season of use.
2. Season of use may need to be shortened. Depending on the severity of the drought and the stocking level, a reduced grazing season may be necessary.
3. Pasture use periods may need to be shortened.
4. Pastures will not be re-grazed during the same grazing season, and this may ultimately result in an early exit from the allotment.

5. Utilization and/or seasonal utilization (grazing intensity) standards may need to be reduced.
6. Depending on the severity of the drought and the stocking level, reduced utilization standards will likely result in shortened pasture use periods and may ultimately result in an early exit from the allotment.
7. Lack of livestock water, or poor distribution of livestock water, may result in reduced pasture/allotment use periods. Depending on forage conditions, this effect may be mitigated by hauling water to temporary livestock watering facilities.
8. Allotment Management Plan direction for pastures requiring rest or deferment will be followed.
9. Livestock use of planned rested pastures due to drought will not be authorized.

#### **IV. GRAZING STRATEGY**

Graze livestock using a rest-rotation grazing system for the five-month grazing period. The management of livestock pasture moves in this allotment will continue to be based upon allowable forage utilization standards.

#### **V. ALLOWABLE UTILIZATION STANDARDS**

##### Upland and Non-Riparian Areas

The maximum allowable level of utilization on herbaceous and non-riparian woody vegetation is 35%. This allowable use level is the utilization level permitted by both livestock and wildlife. Utilization is defined as the proportion or degree of current year's forage production by weight that is consumed or destroyed by animals. It is a comparison of the amount of herbage left with the amount of herbage produced during the year. Utilization will be measured at the end of growing season (typically October or November) when the total annual production can be accounted for and the effects of grazing in the whole management unit can be assessed.

##### Riparian Areas

Utilization of woody vegetation in riparian areas will not exceed 20%. Utilization of woody vegetation will be determined/measured at the end of the growing season (typically October or November).

#### **VI. SEASONAL UTILIZATION**

A light to moderate seasonal utilization guideline of up to 50% will be used within grazed pastures on the allotments. Seasonal utilization is defined as the amount of herbage removed through grazing or trampling during the grazing period. Seasonal utilization may be determined/measured during the grazing period and/or at the end of each pasture's livestock grazing period.

The seasonal utilization guideline will be the primary factor in determining when livestock need to move to the next pasture; but other factors such as climatic conditions, opportunity for plant growth, and previous year's utilization level will also be considered. Annual reductions in the seasonal utilization guideline may be made based on resource conditions.

## **VII. RESOURCE MONITORING**

### Forage Utilization

Forage utilization within each pasture will be monitored and the allowable utilization standards (section V) and the seasonal utilization guidelines (section VI) will be enforced. This may result in earlier pasture moves than indicated in the Grazing Schedule (section II).

Forage utilization monitoring will occur at locations within pastures using the "key area" concept. Key areas are defined as "...a portion of range, which because of its location, grazing or browsing value, and/or use, serve as an indicative sample of range conditions, trend, or degree of use seasonally. A key area guides the general management of the entire area of which it is a part." Key areas will generally have the following characteristics: they will be approximately 20 to 500 acres in size; they will be located on productive soils with slopes less than 15%; they will have a plant community that is representative of the larger area; and they will generally be located 0.25 to 1.0 miles away from livestock water sources.

Forage utilization monitoring and its specific application to your allotment should be discussed with your Rangeland Management Specialist. Permittee participation in utilization monitoring is encouraged.

## **VIII. MITIGATION MEASURES FOR SPECIAL STATUS SPECIES**

There is a determination of "may affect not likely to adversely affect" for Mexican Spotted Owls and their critical habitat. This determination is based on the criteria outlined in the Framework for Streamlining Informal Consultation for Livestock Grazing Activities (USDA Forest Service 2005). The determination is appropriate as all three of the following criteria are met:

1. Livestock grazing or livestock management activities will occur within protected activity centers (PAC), but no human disturbance or construction actions associated with the livestock grazing will occur in PACs during the breeding season. PAC habitat within the allotment is approximately 3,193 acres of mostly steep habitat with high canopy cover restricting understory growth and is rarely used by livestock.
2. Livestock grazing and livestock management activities within PACs, in the action area, will be managed for levels that provide the woody and herbaceous vegetation necessary for cover for rodent prey species, and maintain the residual biomass that will support prescribed natural and ignited fires that would reduce the risk of catastrophic wildfire in the Forest.
3. In owl foraging areas, forage utilization will be maintained at the conservative levels (30-40%). These foraging areas will be identified by your Rangeland Management Specialist.

## IX. RANGE IMPROVEMENTS

### Construction of New Structural Range Improvements

No new structural range improvements are scheduled for construction this year.

### Reconstruction of Existing Structural Range Improvements

There are no existing structural range improvements scheduled for reconstruction this year.

### Removal of Existing Structural Range Improvements

No existing structural range improvements are scheduled for removal this year.

### Existing Structural Range Improvements

Structural range improvements assigned to you for maintenance are listed in your Term Grazing Permit and are also identified on the allotment map. These improvements are to be fully maintained annually to comply with permit requirements (Part 2, Section 8i). Any maintenance you perform must conform to the standards specified by your District Rangeland Management Specialist. The grazing permittee is responsible for all maintenance materials, supplies and equipment necessary to properly maintain all range structural improvements. The Forest will replace range structural improvement materials and/or supplies at the end of the improvement's life; when maintenance and repair is no longer feasible to keep the improvement properly maintained and functioning. **Please note that you must notify the District Rangeland Management Specialist at least 60 days prior to the beginning of any maintenance work that requires the use of heavy equipment.**

## X. SALTING AND PROTEIN BLOCK PRACTICES

Proper salt and protein block location can be a good tool to aid in livestock distribution and they will be used in a manner to spread livestock utilization throughout the pasture. The following guidelines will be used when placing salt and protein blocks:

1. In general, salt and protein blocks should not be placed within ¼ mile of water.
2. Salt and protein blocks will not be placed in areas of depleted range, erosive soils, or sensitive plant or animal species. If applicable, areas of sensitive plant or animal species will be identified by your Rangeland Management Specialist and included in each year's AOI.
3. No more than three blocks (50 lb. blocks) of salt/protein will be placed at any location at any one time.
4. Salt/protein will not be placed at the same location twice during the same grazing season.
5. The use of portable salt/protein block containers is encouraged but not mandatory.

## **XI. PORTABLE WATER HAULING**

Temporary sites for portable haul water may be needed and should be used as necessary to assist in livestock distribution. The following requirements will apply to portable haul water locations:

1. Coordinate with the District Rangeland Management Specialist to identify portable water haul locations for individual pastures prior to the grazing period.
2. To aid in livestock distribution, the portable water haul locations should generally be in areas of light forage utilization.
3. Generally, portable water haul locations will not be located at sites used in previous years.
4. Portable water hauls will not be located in areas of depleted range, erosive soils, or sensitive plant or animal species.
5. Portable water haul locations will be moved when the desired forage utilization levels have been reached.
6. Portable haul water storage tanks and troughs will be removed when livestock leave the pasture.

## **XII. FIRE**

Please use caution during all ranch activities that could potentially start a fire. All ranch vehicles should be equipped with a firefighting tool (shovel, axe, pulaski, etc.) and water or an ABC dry chemical fire extinguisher. All open camp and branding fires require a ten-foot fire ring cleared down to mineral soil.

During periods of critical fire danger, the Forest Supervisor may declare a Red Flag Alert or issue other special orders. Under these conditions, the building or use of fires, the use of power saws, heavy equipment, ATVs and other motorized equipment may be prohibited on Forest Service land. All Federal, State and Local fire restrictions and regulations must be observed.

Report all fires to the Flagstaff Ranger District Office at (928) 526-0866 or to the Coconino National Forest Supervisors Office at (928) 526-0600.

Cooperation in the reporting, prevention, and suppression of fires will be expected as specified in Part 2, section 10 of your Term Grazing Permit.

## **XIII. MOTOR VEHICLE USE/RESTRICTIONS**

On May 1, 2012, the Coconino National Forest began implementation of the Travel Management Rule. The Travel Management Rule requires the designation of roads, trails, and areas open to motor vehicle use and these routes are identified on the Motor Vehicle Use Map. Implementation of the Travel Management Rule requires active management of all motorized use, including use related to permitted grazing activities. Motorized travel off the designated road system, including off-road access, by grazing permit holders will be based on the need to carry out required management

practices necessary to comply with the terms and conditions of the Term Grazing Permit. Examples of required management practices include but are not limited to the repair and maintenance of structural range improvements; transport and placement of mineral and protein supplement; herding of livestock; and tending to sick or injured animals. Legitimate motorized use off the designated road system, including off-road access, for conducting activities required under the Term Grazing Permit will be authorized as follows:

1. **For motorized use with ATVs, UTVs, motorcycles, and full-size pickup or smaller vehicles (curb weight less than 8,000 pounds):** Grazing permittee must obtain a grazing allotment specific Restricted Road, Trail and Off-Road Administrative Use Permit. Motorized vehicle use off the designated road system will be limited to only that use which is necessary for compliance with the terms and conditions of the Term Grazing Permit.
2. **For motorized use with larger vehicles (curb weight greater than 8,000 pounds or larger than a full-size pickup) or any heavy equipment:** Grazing permittee must obtain a site-specific Restricted Road, Trail and Off-Road Administrative Use Permit. Motorized vehicle use off the designated road system will be limited to only that use which is necessary for compliance with the terms and conditions of the Term Grazing Permit.
3. To request site specific Restricted Road, Trail and Off-Road Administrative Use Permit, the grazing permittee must provide their Rangeland Management Specialist with the project details a minimum of 30 days prior to the proposed starting date for the permit.
4. A copy of the approved Restricted Road, Trail and Off-Road Administrative Use Permit must be with the vehicle operator while operating the vehicle off the designated road system. A Permit Placard must be attached to all permitted vehicles while operating off the designated road system.
5. Off-Highway vehicles (ATVs, UTVs, and motorcycles) used for conducting activities required under the Term Grazing Permit must be licensed and permitted in accordance with Arizona State law.
6. The Motor Vehicle Use Map for the Coconino National Forest identifies certain roads as “Roads Open to Highway Legal Vehicles Only”.
7. Grazing permittees operating motor vehicles on these roads must comply with the legal requirements. Operating a motor vehicle off the designated road system to avoid the legal requirements of “Roads Open to Highway Legal Vehicles Only” is not permitted.
8. Grazing permittees will utilize motorized vehicles off the designated road system in a manner that will not result in damage to soil, watershed, vegetation, wildlife, heritage, or other forest resources.
9. Failure to comply with the conditions of the Restricted Road, Trail and Off-Road Administrative Use Permit may result in the immediate cancellation of the Restricted Road, Trail and Off-Road Administrative Use Permit and may result in the issuance of a Notice of Non-Compliance for violation of the terms and conditions of your Term Grazing Permit.

10. Grazing permittees that do not obtain a Restricted Road, Trail and Off-Road Administrative Use Permit are required to operate motorized vehicles only on the designated road system. Operating a motorized vehicle off the designated road system without a valid Restricted Road, Trail and Off-Road Administrative Use Permit will result in the immediate issuance of a Notice of Non-Compliance for violating the terms and conditions of your Term Grazing Permit (Part 2, Section 8a). A Notice of Non-Compliance may result in Term Grazing Permit suspension or cancellation proceedings.

#### **XIV. PERMITTEE REVIEW**

On April 10, 2024, Mandy Roesch met with Jesse Bowser and Dusty Trammel to discuss the 2024 Annual Operating Instructions for the Casner Park/Kelly Seep allotment. They have reviewed and agreed with these instructions.

If you have any questions or wish to discuss anything further, please feel free to contact Mandy Roesch at (928) 699-4969 or email at [Amanda.roesch@usda.gov](mailto:Amanda.roesch@usda.gov)

Sincerely,

LINDA  
BABCOCK

Digitally signed by LINDA  
BABCOCK  
Date: 2024.04.11  
10:51:07 -07'00'

LINDA BABCOCK  
Deputy District Ranger

cc: Dusty Trammel

## AGREEMENT

THIS AGREEMENT is made and entered into this 8th day of April, 2024, by and between Little Horse Ranch, L.L.L.P., an Arizona limited liability limited partnership doing business as OX Ranch ("LHR") and the Yavapai-Apache Nation, a sovereign entity (hereafter, "YAN") as follows:

### Introduction and Definitions:

A. LHR is the permittee under the Casner Park/Kelly Seep Grazing Allotment, Permit No. 01317 (the "LHR Permit"), issued by the United States Forest Service (hereafter, "USFS") to graze 395 yearling cattle on the property subject to such Permit (the "CPKS Property") between June 1 and October 31 of each year, subject to adjustment by the USFS (the "2024 Permit Period").

B. YAN also has a grazing permit issued by the USFS to graze cattle on Forest Service property (the "YAN Permit").

C. The USFS has notified LHR that they are not requesting a grazing reduction to the CPKS Property during the 2024 Permit Period, which would leave the permit with 395 yearling cattle for the 2024 Permit Period or 1392 Animal Unit Months ("AUMs").

NOW, THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, LHR and the YAN (collectively, the "Parties") agree as follows:

1. Shared Use of LHR Permit. Subject to the written approval of the USFS officer in charge of the LHR Permit, LHR and the YAN agree to share the grazing rights under the LHR Permit for the 2024 Permit Period. LHR and YAN will graze cattle according to the following schedule:

USFS Permit Number of Yearlings	Total Actual Use	Number of LHR Yearlings	Number of LHR Cows	Number of YAN Cows w/ Calves	Number of YAN Bulls & days
395	96.7% of Permit	230	0	128	11 @ 45 days
1392 AUMs	1346 AUMs	725 AUMs	0 AUMs	598 AUMs	23 AUMs

If either party reduces the number of cattle it is grazing then the other party shall be entitled to increase the number of cattle it is grazing on the CPKS Property as long as the total AUMs approved by the USFS is not exceeded, with the animal unit equivalents being: 1 for each Cow w/Calf, 0.7 for each Yearling and 1.4 for each Bull. If there is a change in the cattle allocation between LHR and YAN, the Parties shall execute an Amendment to this Agreement, which execution shall not be unreasonably withheld, conditioned or delayed, and such executed Amendment shall be promptly delivered to the USFS. If the USFS changes the AUMs during the 2024 Permit Period, the Parties will increase or decrease their grazing days equally.

2. Payment of Grazing Fees under the LHR Permit. LHR and the YAN shall each pay its share of the grazing fees under their respective Forest Service Permit for the 2024 Permit Period, based on the number and type of cattle each party has agreed to graze on the CPKS Property under Paragraph 1, as the same may be hereafter amended as provided above.

3. Additional Terms and Conditions. As a material part of this Agreement, the Parties further agree:

3.1 USFS Grazing Plan. Both Parties agree to observe the Annual Operating Instructions and Grazing Plan adopted by the USFS for the LHR Permit, but the YAN shall be responsible for providing the labor and materials to repair all fences and for managing the combined herds of cattle during the 2024 Permit Period at its sole cost and expense.

3.2 Communication & Cooperation. The Parties shall cooperate with one another and shall coordinate the shipping of cattle to and from the CPKS Property, the movement and rotation of cattle among pastures within the CPKS Property and any forage or range issues which may arise or be discovered during the 2024 Permit Period. Each Party's authorized representative for these matters shall be the following:

Party:	Authorized Representative:	Contact Information:
Little Horse Ranch, L.L.L.P.	Jesse Bowser, Ranch Manager	Email: <a href="mailto:jesse@oxranch.com">jesse@oxranch.com</a> Tele: (602) 339-6969
The Yavapai Apache Nation	Dusty Trammel, Ranch Manager	Email: <a href="mailto:trammeldusty@gmail.com">trammeldusty@gmail.com</a> Tele: (303) 301-9346

3.3 LHR Agreement to Assist. Notwithstanding Paragraph 3.1 above, LHR agrees to provide a ranch hand at the CPKS Property to receive and ship cattle, assess pasture forage as needed and to assist on request with moving cattle.

3.4 Missing Cattle. The YAN agrees to instruct its personnel to report any found, missing or dead LHR cattle to LHR.

3.5 Horses. The YAN may graze an average number of 2 horses and a maximum number of 4 horses on the deeded acreage at Newman Park during the 2024 Permit Period, it being understood that supplemental feed will be needed in the event that more than an average number of 2 horses are on the deeded acreage.

3.6 Rodeo Activity. The YAN shall not suffer or permit any parking, grazing or other activity related to rodeo activities on the CPKS Property or on any adjacent private land owned by LHR or any of its affiliates.

4. Miscellaneous Provisions.

4.1 Notices. Excluding communications relating to the day-to-day matters arising under this Agreement, which shall be governed by 3.2 above, notices pertaining to the enforcement or breach of this Agreement shall be sent to the Party to which such notice is to be given at the physical or email address shown below such Party's signature to this Agreement below.

4.2 Governing Law. This Agreement shall be governed by the laws of the State of Arizona.

4.3 Time of the Essence. Time shall be of the essence in the performance of this Agreement.


4.4 Counterparts. This Agreement may be executed in counterparts.


4.5 Attorneys' Fees. Any award of attorneys' fees in connection with any dispute arising under this Agreement shall be in the discretion of the court, taking into account the merits of the claim or defense made by the Parties, as well as which Party is the prevailing Party.

DATED, as of the day and year first above written.

LITTLE HORSE RANCH, L.L.P., an Arizona limited liability limited partnership doing business as OX Ranch

By: Murphy Ventures, L.L.C., an Arizona limited liability company


By:   
Laurel M. Farrell, Manager

By:   
Jesse Bowser, Ranch Manager

Address: 340 East Palm Lane, Ste. 135  
Phoenix, AZ 85004-4614

Email: notices@murphyventures.com

THE YAVAPAI-APACHE NATION, a sovereign nation

By:   
Fred Sanchez, Agricultural Manager

By:   
Dusty Trammel, Ranch Manager

Address: 2400 West Datsi Ave.  
Camp Verde, Arizona 86322

Email: [whitwhitaker@yan-tribe.org](mailto:whitwhitaker@yan-tribe.org)  
[Rosemw25@gmail.com](mailto:Rosemw25@gmail.com)

#### APPROVAL & CONSENT:

The undersigned, an authorized officer of the United State Forest Service, hereby:

1. Acknowledges receipt of the above Agreement, and agrees that for the 2024 Permit Period only, the Parties shared use of the LHR Permit shall not be deemed a violation of the Ownership Requirement set forth in Paragraph 7 of the LHR Permit.

2. Acknowledges that it will directly bill the Grazing Permit Fees for the 2024 Permit Period directly to the Parties in the manner set forth in the above Agreement with the fees charged to LHR to be under the LHR Permit and the fees charged to YAN under the YAN Permit.

3. To communicate with both LHR and the YAN concerning the enforcement of the LHR Permit or any other matters concerning the CPKS Property, during the 2024 Permit Period.

DATED, this 15 day of April, 2024.

  
Mandy Roesch, District Range Staff  
United States Forest Service  
Flagstaff Ranger District

4/15/24

5075 North Highway 89  
Flagstaff, AZ 86004-2852  
Phone (928) 526-0866  
FAX (928) 527-8288