



File Code: 2230

Dagger Allotment

Date:

Earnhardt Ranches LLC
ATTN: Hal Earnhardt
7300 W Orchid Lane
Chandler, AZ 85226

Permit Modification #2 - Permit #12263

Dear Permittee:

This modification is hereby made part of your grazing permit number 12263 issued on May 18, 2023, by Jeremy Plain, District Ranger. It should be attached to your permit as pages 1a, 1b and 1c. This permit modification will remain in effect until your current grazing permit expires on December 31, 2032.

The changes are as follows:



1. An amendment to the Term Grazing Permit part 3 section #2 first bullet point will be changed to:
 - a. Cattle grazing will be excluded from West Devore pasture until a solution for keeping livestock out of the Salt River and Cherry Creek can be reached.
2. An amendment to the Term Grazing Permit part 3, section #2. The last bullet point will be changed to:
 - a. Oak Creek Mesa Pasture contains steep rocky bluffs that create a natural boundary that divides the upper portion around Murphy Ranch from the lower section of the pasture. Mexican Spotted Owl habitat exists within this area. Livestock grazing or livestock management activities can occur within PACs in Dagger Allotment, but the following actions will not be permitted inside MSO PACs during the breeding season (March 1 – August 31):
 - i. Use of mechanized equipment such as chainsaws or electric/gas powered post pounders.
 - ii. Operating ATV/UTVs other than on existing roads
 - iii. use of corrals
 - iv. maintenance of corrals, buildings, or earthen stock tanks
 - b. Actions may occur during the breeding season if non-breeding or absence is

inferred by a district wildlife biologist. On a case-by-case basis, exceptions may occur where the above actions take place during the breeding season when nesting is unknown or nesting is confirmed, and a nest site located. Actions could occur inside a PAC if the action takes place at least 0.25 mile away from the known nest site and time / hour of day, length of disturbance, noise level, location within PAC, and noise reducing measures have been evaluated. Depending on topography and vegetation, the quarter mile buffer may be reduced or expanded. Any action completed during the breeding season will be coordinated with USFWS.

3. An Amendment to the Term Grazing Permit part 3 section #2 will include an additional bullet point that states:
 - a. Livestock grazing in the Dagger Pasture will not have access to the Salt River or Cherry Creek. Should further water development be constructed in this pasture that brings concentrations of livestock closer to Southwestern willow flycatcher habitat that is along the Salt River or Cherry Creek, then use of the pasture will be subject to restrictions from April 1st through July 31st.

This modification is a result of rebuilt fences and a better understanding of natural boundaries within the Dagger Pasture that keep cattle out of the Salt River and Cherry Creek as well as ensuring consistent conservation measures for Mexican Spotted Owl and its Designated Critical Habitat within the Oak Creek Mesa Pasture. The Tonto National Forest is currently in the consultation process with FWS evaluating impacts of our ongoing forest wide grazing program on federally protected species. Until that process is completed, the Tonto National Forest has committed to these conservation measures to minimize impacts to federally protected species.

I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT MODIFICATION

SIGNATURE OF PERMITTEE OR AUTHORIZED AGENT			DATE
 Hal J. Earnhardt, III			June 10, 2024
SIGNATURE OF FOREST OFFICER	NAME (PRINT)	TITLE	DATE
	JEREMY PLAIN	District Ranger	Date 6/10/24

This modification is subject to administrative review, pursuant to 36 CFR 251; and any appeal of this modification must be fully consistent with 36 CFR 251.90. In accordance with 36 CFR 251.84, if you file an appeal, I am willing to meet with you to discuss any concerns you may have with this modification. If you file an appeal, you may request an oral presentation in the appeal or at any time prior to closing of the appeal record (36 CFR 251.97). Additionally, if you file an appeal, you may request a stay of my decision in the appeal or at any time prior to closing of the appeal record (36 CFR 251.91).

A notice of appeal must be filed with the Forest Supervisor, Neil Bosworth, at 2324 E McDowell Rd, Phoenix, Arizona, 85006, within 45 days of the date of this modification. A copy of the notice of appeal must be filed simultaneously with the Tonto Basin District Ranger, in Roosevelt, Arizona.

If you have any additional questions, please contact Eric Hoskins or myself at the District Office, (602) 225-5395

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Plain', written over a horizontal line.

JEREMY PLAIN
District Ranger