United States Department of Agriculture **Forest Service** **Red Rock Ranger District**

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File Code: 2230
Date: February 22, 2010

Mr. Herb Ward
Ward Arizona Ranch Properties, LLC
C/O Mr. Walt Richburg
J.P. Morgan-Chase
PO Box 2050-TX-1315
Fort Worth, TX 76113

Dear Herb and Walt:

This document serves as your 2010 Annual Operating Instructions (AOI) for the Fossil Creek Allotment. This AOI is part of your Term Grazing Permit as provided for in Part 2, section 8(a).

I. AUTHORIZED LIVESTOCK NUMBERS/PERIOD OF USE/APPROVED NON USE

Your 2010 Authorized Use Request has been approved and you are authorized the following Livestock Numbers, Periods of Use, and location:

294 head of Cattle	March 1, 2010 to February 28, 2011	Fossil Creek Allotment
6 Horse	March 1, 2010 to February 28, 2011	Fossil Creek Allotment

II. GRAZING SCHEDULE

The following is the planned grazing sequence for the summer/fall use period of the 2010 grazing season:

PASTURE NAME	PLANNED GRAZE PERIOD	LIVESTOCK NUMBERS
Main Herd		
Surge	(approximately 2 weeks) Mid February to end of Februay	270 + 30 bulls in Bull Pasture
Chalk Springs	(approximately 4 weeks) March	300
Sally May	(approximately 4 weeks) April	300
Boulder	(approximately 4 weeks) May 1 to 28	300
Grass Patch	(approximately 4 weeks) End of May to End of June	300
Hog Back	(approximately 2 weeks) End of June to Mid July	300
Mud Tank	(approximately 1 month) Mid July to Mid August	300
Pine	(approximately 2 weeks) Mid August to Early September	270
Tin Can	(approximately 4 weeks) Early September to end of September	270
House	(approximately 2 weeks) End of September to mid October	270
Tanque Aloma	approximately 5- 7 days	270
Shipping	approximately 5 days	270
Mud Tanks	approximately 2 weeks (to Mid November)	270
Hog Back	(approximately 2 weeks) Mid November to end of November	270
Doren's Defeat	(approximately 4 weeks) December	195
Sally May	(approximately 4 weeks) January	195
Chalk Springs	(approximately 4 weeks) February	195

(Smaller herd to split off to the 10 mile Unit @ the Hogback pasture)		
10 Mile Unit		
Basin to Funnel to Doe Skin to Sycamore Canyon and back up in reverse order	End of November to End of May 2011	75
Bulls		
Salmon Lake	(approximately 4 weeks) Mid August to Mid September	30
Manzanita	(approximately 4 weeks) Mid September to Mid October	30
Natural	(approximately 4 weeks) Mid October to Mid November	30
Bull Pasture	(approximately 18 weeks) Mid Nov. to March 1	30

Rested (Ungrazed) Pastures for the 2010 Grazing Season

- Upper and Lower Wilderness pastures

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 five (5) day period and livestock will be actively herded from one pasture to the other. Once a pasture move occurs, cattle are not authorized to graze outside the newly occupied pasture. Cattle routinely escape pastures for various reasons (i.e. pasture gates left open, cattleguards not maintained, cut fences, etc.), however, these particular cattle will be returned to the correct pasture in a timely manner. Preventing livestock from grazing adjacent allotments, your allotment's rested pastures, or from regrazing previously used pastures is the permittee's responsibility.

III. GRAZING STRATEGY

Pasture Grazing Period

The grazing period within each pasture will be based upon weather/climate conditions, current growing conditions and the need to provide for plant regrowth following grazing. The length of the grazing period within each pasture will also consider and manage for desired grazing intensity and utilization guidelines. The grazing period per pasture will generally not exceed 30 days.

Pasture Grazing Frequency

Generally pastures will be grazed only once during the grazing year. However, if the need arises to provide rest (or deferment) for other pastures, a pasture may be used twice provided there has been sufficient vegetative growth/regrowth and grazing is managed within the intensity and utilization guidelines.

IV. ALLOWABLE UTILIZATION STANDARDS

Grazing Utilization

A management guideline of conservative use (30-40% forage utilization as measured at the end of the growing season) will be employed to maintain or improve rangeland vegetation and long term soil productivity. Within riparian areas (Management Area 12), allowable use will not exceed 20% on the woody vegetation.

Grazing Intensity

Grazing intensity is defined as the amount of herbage removed through grazing or trampling during the grazing period. Grazing intensity will be managed to allow for the physiological needs of plants. Generally, moderate grazing intensity (40-50%) will be managed for in the late spring to early summer months when sufficient opportunity exists for plant regrowth. During the remainder of the year, grazing intensity will be managed at conservative levels (30-40%) when the potential for plant regrowth is limited.

V. RESOURCE MONITORING

Forage Utilization

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

Numerous key areas for forage utilization monitoring have been identified for the Fossil Creek allotment. 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.

The location of key areas for forage utilization monitoring, key vegetation species, and the specific application to your allotment should be discussed with your Rangeland Management Specialist. Permittee participation in utilization monitoring is encouraged.

Permittee Monitoring

The permittee will monitor and document the following items on the enclosed Forage Utilization Monitoring Form during the 2010 grazing year: 1) Actual Grazing Period; 2) Actual Livestock Numbers; 3) Plant Growth Stage during the livestock grazing period; and 4) Average Utilization of all forage species at three different time periods; just prior to livestock entering the pasture, immediately after livestock leave the pasture, and at the end of the growing season. **It is very important that this monitoring be completed during the timeframes specified, and that the Forage Utilization Monitoring Form is submitted to your Rangeland Management Specialist at the end of the 2010 grazing season.**

Range Trend Monitoring

Permanent range condition and trend monitoring locations (Parker Three-Step clusters) were established on the allotment in the late 1950's. Data was collected from these locations in November/December of 2006 to assist in preparing a Range Analysis for the allotment NEPA. Pace Frequency and cover plots were also established at these locations in 2007 to begin establishing baseline data for evaluations of groundcover and vegetative/ecological condition and trend.

VI. MITIGATION MEASURES FOR SPECIAL STATUS SPECIES

Attached are two (2) grazing mitigation documents that address grazing mitigation measures for the Mexican spotted owl and the Chiricahua leopard frog. Please review and familiarize yourself with these required grazing measures; Forest Service personnel will field check your compliance with these mitigation requirements.

VII. RANGE IMPROVEMENTS

Structural Range Improvements

New Fence projects will be implemented only with prior approval and after a successful completion /clearance of both biological and archeological surveys from Forest Service personnel.

Range Improvement Maintenance

Range improvements assigned to you for maintenance have been identified in red on the permit maps of your term grazing permit. 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 beginning any maintenance work that requires the use of heavy equipment (ex. Maintenance of earthen stock tanks). Please also note the updated leopard frog mitigation (for tank cleaning) letter toward the end of this document.**

VIII. 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. A detailed description of the Coconino National Forest Salting and Supplemental Feeding policy can be found in Part 3 of your term grazing permit; however, the following guidelines are provided as a general reference:

1. In general, salt and protein blocks should not be placed within ¼ mile ofwater, roads, or trails.
2. Salt and protein blocks will not be placed in areas of depleted range, erosive soils, or sensitive plant or animal species.
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.

The above listed guidelines will be used in conjunction with the salting mitigation measures listed in Section VI, Mitigation Measures for special status species.

IX. 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:

Archeological and Biological Clearances must be completed prior to placing portable waters.

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.

X. FIRE

Please use caution during all ranch activities that could potentially start a fire. All ranch vehicles must be equipped with an axe, shovel, and water bucket. 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, ATV's 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 Ranger District Offices at: Red Rock (928-282-4119), The Happy Jack Fire Crews at 928-477-5037 (Jeff Thumm), 928-477-5031 (Robert Auza), or 928-477-5033 (Rick Miller), Mogollon Rim (928-477-2255); or to the Coconino National Forest Fire Dispatch Office (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.

XI. MOTOR VEHICLE RESTRICTIONS

Restrictions on the use of motorized vehicles may exist within the Fossil Creek allotment. If you need to enter a restricted area, you must have special authorization in the form of an Off-Road Vehicle Permit or specific authorization through your Annual Operating Instructions. Entering a restricted area without authorization is a violation of 36 CFR 261.

The Red Rock Ranger District has actively pursued a road closure program for the last several years. This program is aimed at reducing non-essential roads for watershed protection and to decrease disturbance to wildlife. The District has put in many hours contacting recreation users in an effort to enforce these closures. Please remember that these closures must also be honored by the grazing permittee.

XII. APPEAL RIGHTS

Annual Operating Instructions are subject to appeal and review under 36 CFR 251.

If you have any questions or wish to discuss anything further, please feel free to contact Robert Garcia (928) 203-7517 or Colin Porter at (928) 203-7537.

Sincerely,

/s/ Heather C. Provencio
HEATHER C. PROVENCIO
District Ranger

Grazing Allotment Annual Operating Mitigation Instructions for Mexican Spotted Owl

The following mitigation measures would apply for Buck Springs, Bar-T-Bar, Willow Valley, Baker Lake/Calf Pen, Apache-Maid, Beaver Creek, Lost Eden, Fossil Creek, Buckhorn, 13 Mile Rock, Walker Basin, and Hackberry/Pivot Rock Allotments.

The purpose of the mitigation measures is to improve and protect habitat for prey species such as birds and small mammals in sensitive areas, and to protect nesting birds from disturbance associated with gathering or construction activities. Thank you for your cooperation.

1. Follow these guidelines to meet the intent of the grazing guidelines listed in the Mexican Spotted Owl Recovery Plan:

   A. Continue to monitor grazing use by livestock and wildlife in "key grazing" areas such as riparian areas (MA12), meadows (MA9), pine/oak types (MA3), and aspen (MA5). If cattle show an increasing utilization trend, then change management strategies to reduce the trend. If wild ungulates show an increasing utilization trend, the Forest Service will work with the Game and Fish Department to reduce this trend.

   B. Continue to implement and enforce grazing utilization standards to attain good to excellent range conditions in "key areas" over time.

   C. Continue to restore good conditions to degraded riparian communities by maintaining or promoting three age classes in woody vegetation. If the mid-age class is absent, 5% utilization or less is required to promote three structural stages. If all three classes are present, utilization of 20% or less of woody vegetation is acceptable.

2. To reduce animal concentrations and trampling of vegetation which may impact prey species forage and cover, follow these guidelines for placing salt, mineral blocks or food supplements.

   A. Do not place these items in riparian areas, mountain meadows, or non riparian drainages in ponderosa pine unless being used for a watershed restoration project.

   B. Do not place these items in spotted owl habitat or near peregrine falcon nesting areas. The attached map shows areas (shown as mitigation) where salt, supplemental feeding, or mineral blocks should not occur.

   C. Rotate salt and mineral supplement sites regularly.

3. To eliminate potentially disturbing activities in spotted owl habitat or near peregrine nesting areas during their breeding season, do not allow the following types of activities in areas displayed in red on the map between March 1 and August 31 without prior consultation with the District Range Staff.

   A. Spring branding or fall gathering.

   B. Construction activities such as; new construction of fences, corrals, or buildings, or cleaning or construction of tanks.

Mitigation for Leopard Frogs

General Activities:

If chytrid fungus is detected and/or leopard frogs are found on the allotment, the permittee shall take precautions to minimize disease transmission and translocation of aquatic organisms. All equipment (front-end loader, shoes, waders, shovels, fence posts, etc.) used at an aquatic site shall be flushed clean of all dirt, mud, and debris, rinsed in a ten percent bleach solution, and allowed to thoroughly dry before coming into contact with another aquatic site.

Prior to Tank Maintenance:

At least 60 days prior to maintaining or cleaning out livestock tanks the permittee shall inform the Coconino of planned activities. The permittee is responsible for submitting a proposal that details when the work is to be completed, who and contact information for who will be conducting the work, details about what work is to be completed, and a list of all equipment that will be used.

Authorized personnel shall assess and evaluate the need to survey the tank for leopard frogs. If Chiricahua leopard frogs are known to occur or found during surveys, the Forest and permittee shall work with the U.S. Fish and Wildlife Service (USFWS) to develop and implement a plan to minimize take of frogs. Plans to minimize take shall be approved by the USFWS. If other leopard frog species are found, a plan to minimize impacts will be developed and implemented. Measures to minimize take should include salvage and temporary holding of frogs, limiting disturbance and work areas to the minimum area practicable, leaving stands of emergent vegetation in place, and/or measures to minimize the likelihood of disease transmission.

All ranch hands, construction personnel, and others implementing the maintenance shall be given a copy of these terms and conditions, and informed of the need to comply with them. These instructions will be given to workers carrying out the maintenance in advance so that the appropriate equipment (screens for pump tanks, off-site water, disinfecting solution and sprayer, etc) can be secured and brought out to the site.

During Tank Maintenance:

For tanks occupied by frogs (including those dry tanks that could have frogs persisting in moist cracks in the tank bottom or along the tank berms) it is required that a representative from one of the agencies (USFWS, Forest Service, or Game and Fish) be present to monitor tank cleaning or repair efforts.

Live fish, crayfish, bullfrogs, leopard frogs, salamanders, or other aquatic organisms shall not be moved among livestock tanks or other aquatic sites.

If a site is identified as occupied by leopard frogs, water shall not be hauled to the site from another aquatic site or tank that supports leopard frogs, bullfrogs, crayfish, or fish. When water is needed, such as for bentonite application, all precautions shall be taken (use of fish screens of 1/8 inch or smaller mesh and adding bleach if water is used from another tank or municipal water source) to ensure that fish, bullfrogs, and their tadpoles, and crayfish are not moved among tanks.

For situations that require water to be pumped from a tank with frogs, the following mitigations apply:

Use of tank water will be judicial and if the water level is low, it may be required that water be hauled in.
Mesh filters of 1/8inch will be used to avoid sucking up eggs, tadpoles or juvenile frogs.
Pumps will be placed as far away from the water as possible. Pumps will be moved during refueling in order to avoid contaminating the tank water and vegetation immediately around the tank.

FORAGE UTILIZATION MONITORING FORM

Allotment Name: Fossil Creek **Year: 2010 (3/1/2010 to 2/28/2011)**

PASTURE NAME	PLANNED GRAZE PERIOD	LIVESTOCK NUMBERS	Actual Graze Period	True Livestock Numbers	Plant Growth Stage	Forage Utilization		
						Before Livestock	After Livestock	End of Growing Season
Main Herd								
Surge	Mid to end of Februay	270 + 30 bulls in Bull Pasture						
Chalk Springs	March	300						
Sally May	April	300						
Boulder	May 1 to 28	300						
Grass Patch	End of May to End of June	300						
Hog Back	End of June to Mid July	300						
Mud Tank	Approximately 1 month (mid July to mid August)	300						
Pine	Mid August to Early September	270						
Tin Can	Early September to end of September	270						
House	To mid October	270						
Tanque Aloma	5- 7 days	270						
Shipping	5 days	270						
Mud Tanks	2 weeks (to Mid November)	270						

Hog Back	Mid November to end of November	270						
Doren's Defeat	December	195						
Sally May	January	195						
Chalk Springs	February	195						
(Smaller herd to split off to the 10 mile Unit @ the Hogback pasture)								
10 Mile Unit								
Basin to Funnel to Doe Skin to Sycamore Canyon and back up in reverse order	End of November to End of May 2011	75						
Bulls								
Salmon Lake	Mid August to Mid September	30						
Manzanita	Mid September to Mid October	30						
Natural	Mid October to Mid November	30						
Bull Pasture	Mid November to March 1	30						

Plant Growth Stage: **D** = Dormant **S** = Slow Growth **F** = Fast Growth

Forage Utilization Levels: **N** = No use (0-10%) **L** = Light use (11-25%) **M** = Moderate Use (26-50%) **H** = Heavy Use (51-70%) **E** = Extreme Use (71+%)