

**Date:** February 8, 2022

● OW Land & Cattle, LLC.

(b)(4)

1680 Pennyweight Dr.  
Fairbanks, AK 99712

Dear (b)(4)

These updated Annual Operating Instructions are a guide for management of the **OW Allotment** for the **2022 grazing year**. This plan is made part of your Term Grazing Permit as specified in Part 2, Number 8(a) of the permit and supersedes your previous 2021 AOI, dated May 3, 2021.

**I. PERMITTED USE**

The following table illustrates the number of livestock and period of use permitted on the **OW Allotment** as per Term Grazing Permit #12243 issued to OW Land & Cattle, LLC.

ALLOTMENT	AUM	SEASON OF USE
OW	1313	3/1-2/28

**II. AUTHORIZED USE**

The following numbers and classes of livestock are authorized to graze on the **OW Allotment** this year.

KIND	CLASS	NUMBER	AUM	SEASON OF USE
CATTLE	COW/CALF	76	452	6/1-10/15
CATTLE	BULLS	6	32	6/1-10/15
			<b>Total 484</b>	

**III. ROTATION SCHEDULE**

Actual dates may vary depending upon climatic conditions, drought, wildfire, noxious weeds, soil, and range conditions, conflicts with or for protection of wildlife, water availability, utilization levels and time required to move livestock. Any deviation from this schedule needs to be discussed with Payson range staff prior to moving your cattle outside of the dates listed. Estimates of forage utilization will be performed and documented on pastures about the time the pasture is vacated.

Authorized Pasture	Class of Livestock	Authorized number	Authorized season of use
Mule Creek and East Canyon Creek	Cow/Calf	76	6/1 - 10/15
	Bulls	6	
Headquarters North & South*1	Cow/Calf	76	6/1 - 10/15
	Bulls	6	
Valentine*1	Cow/Calf	76	10/15-2/28

\*1 Nesting Bald Eagle Restrictions



	Bulls	6	
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#### **IV. ALLOWABLE USE STANDARDS**

The use on key species in key areas will ultimately determine the length of the grazing period in each pasture. The establishment of the utilization standards is consistent with 36 CFR 222 regulations, FSM 2210 and 2230, and FSH 2209.21. Grazing will be managed so that conservative use levels are achieved over the long-term. Considerable research has been done showing that conservative use levels will allow for sustaining and improving watershed conditions. Conservative utilization levels are as follows:

<b>Upland</b>	Herbaceous:	30-40% of current year's growth
	Woody:	50% of current year's growth
<b>Riparian</b>	Herbaceous:	40% of plant species biomass (any species) and maintain 6-8 inches of stubble height on Deergrass
	Woody:	50% of leaders browsed on upper 1/3 plants up to 6 feet tall
<b>Mexican Spotted Owl PAC's (Where Applicable)</b>	20% optimum to 40% maximum Management Mexican Spotted Owl and Northern Goshawk habitats within the allotment are according to standards and guidelines in the Tonto NF Plan (pages 40-1 through 40-13).	

Utilization is measured at the end of the growing season, in key areas<sup>2</sup> for key forage species<sup>3</sup>. However, grazing intensity will be evaluated during the growing season in order to practice proactive management and make necessary management changes needed for plant development and recovery. Utilization measurements serve as only one piece of information that is considered when evaluating the effectiveness of allotment management. Utilization data will be coupled with other information such as vegetation condition, forage plant production and vigor, soil and watershed condition, and long-term trends, to make informed management recommendations concerning pasture moves and stocking rates.

#### **V. MONITORING**

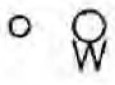
Monitoring dates are tentative, and some may not be required. Range personnel from the Payson District will be contacting you prior to monitoring visits. We encourage your participation in these inspections, as it provides an opportune time to discuss resource conditions and management items. VGS Monitoring may be conducted in the fall. A priority for monitoring may be based upon those allotments with forthcoming NEPA.

<sup>2</sup> Key areas are defined in the Tonto NF Plan (pg. 42-1) as being ¼ to 1 mile from water, located on productive soils on level to intermediate slopes, and be readily accessible for grazing.

<sup>3</sup> Key forage species are defined in the Tonto NF Plan (pg. 42-1) as plants chosen to be appropriate to monitor average allowable use.

**VI. ADMINISTRATION**

The table below indicates the records submitted by the permittee to satisfy the Ownership Requirement portion of the permit. The permittee must hold ownership of the corporation (if applicable), deed for the base property, and brand associated with that permit for the entire term of the permit. Any undocumented changes in ownership are a violation of the terms and conditions of your term grazing permit under Part 2, Sec. 7.

<b>Entity/Person(s) Designated as Permittee</b>	(b)(6)		
<b>Base Property</b>	(b)(4)		
<b>Brand(s)</b>	(b)(6)	(b)(6)	

We request that you maintain records that reveal the number of livestock, date of entry, and the date of livestock leaving each pasture and submit them to us at the end of the grazing season.

**VII. BALD EAGLE NESTING RESTRICTIONS**

As you are aware, there is a bald eagle breeding area within the OW allotment. The breeding area consists of at least two ponderosa pine trees with nest structures. The Forest Service, in coordination with the Arizona Game and Fish Department (AGFD) and U.S Fish and Wildlife Service (FWS), developed a strategy that would allow the allotment to be used during the eagle breeding period, while limiting disturbance when eagles are actively nesting. This strategy is in compliance with Forest Plan, Regulation and Policy, and specifically the Bald and Golden Eagle Protection Act.

Each year, if bald eagles exhibit signs of courtship, incubation, or have an active nest, the Forest Service follows management guidance under the *Bald and Golden Eagle Protection Act* and *Bald Eagle Conservation Assessment and Strategy (BECAS)*.

To reduce disturbance to nesting eagles at the O.W. breeding area without having to implement a closure order, we will be using the “buffer zone strategy” outlined in the BECAS which includes three buffer zones around an active nest. These distance buffers are 500 feet, 1,000 feet, and 2,500 radius from the nest site and are triggered depending on the type of activity, phase of breeding, and the eagles tolerability to activities.

**Estimated breeding season from incubation to fledging: January 1 through July 31.**

Buffer Zone 1 – 500 feet radius around the nest – No Activities May Occur

- From January 1 until eaglets have fledged, no activity occurs around the nest. **If the**

**existing access road to O.W Ranch falls within a 500 no-activity zone, driving through the area on the existing road is acceptable.**

**Buffer Zone 2 – 500 to 1,000 feet radius around the nest – Limit Human Activity**

- From January 1 until eaglets have fledged, human activity is limited but not restricted. Acceptable activities include short duration actions like passing by in a vehicle, walking through, monitoring a gauging station, etc. (10-15 minutes activities).

**Buffer Zone 3 – 1,000 – 2,500 feet radius around the nest – Limited Activity**

- No activity will adversely change the landscape, including but not limited to residential, industrial, or commercial development, construction projects, timber cutting, etc.
- Limited activity or projects requiring a short amount of time, such as passing by in a vehicle, walking through, and/or monitoring a gauging station, fence building, cattle roundups, etc. are acceptable.

Please see attached map with zones based on the 2022 nest tree location. If the pair lays eggs but the breeding attempt fails, all buffer zone restrictions will remain in place to ensure protection in case the pair double clutches within 45 days after the failure or until April 30<sup>th</sup>, whichever happens first.

These zones and activities prohibited within them are subject to change on an annual basis based on the location of nest site, nesting phase, the eagle's tolerance to disturbance and breeding status. There may be times when we can allow an activity to occur if fledglings are > 4 weeks old. We will handle each critical activity need on case by case basis and include AGFD and FWS.

**VIII. SALT AND MINERAL BLOCK**

Salting may be used to aid in livestock distribution and management. Salting must be located no closer than ¼ mile from streams, rivers, riparian areas, trails, and known archaeological sites.

**IX. RANGE IMPROVEMENT CONSTRUCTION / MAINTENANCE**

The permittee shall maintain all range improvements that are assigned for maintenance in the Term Grazing Permit. All work involving the use of heavy equipment will be accomplished only after prior approval of the Forest Officer in charge of the allotment.

Maintenance of existing improvements is exempt from additional heritage (archaeological) clearances, however, may require a simple biological review before work may proceed. Timing restrictions for project work may also be stipulated based on the type of equipment used to perform the work. Please provide the Forest Service with advanced notice of any maintenance you wish to perform so there is sufficient time to complete any required reviews.

<b>2021 Scheduled Maintenance/Projects</b>	
Valentine	Construction of 3 new earthen reservoirs (stock tanks). Project activities include clearing approximately 100-foot diameter area of trees, brush, roots, and similar debris in each of the proposed stock tank locations (SW ¼ sec 21, SE ¼ sec 29, and SW ¼ sec 33) using a bulldozer and/or excavator. <b>See Permit Modification 2021-1</b>
Valentine	Construction of new fence on the southwestern portion of Valentine pasture along the east side of FR 512. <b>See Permit Modifications 2021-1 &amp; 2021-2</b>

**X. PROTECTION**

The permittee, his agents and employees, when acting within the scope of their employment, and his contractors and subcontractors will protect the land and property of the United States, waived private land and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit.

**XI. ALLOTMENT INSPECTIONS**

Forest personnel may conduct periodic brief inspections of pastures within the allotment at any time to verify actual use, improvement conditions, or other non-range related activity.

**XII. PERMIT CONDITIONS**

Failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 of your Term Grazing Permit may result in suspension or cancellation, in whole or in part, after written notice. This is found in Part 1, Section 3, of your permit.

Sincerely,

**MATTHEW  
PACIOREK**

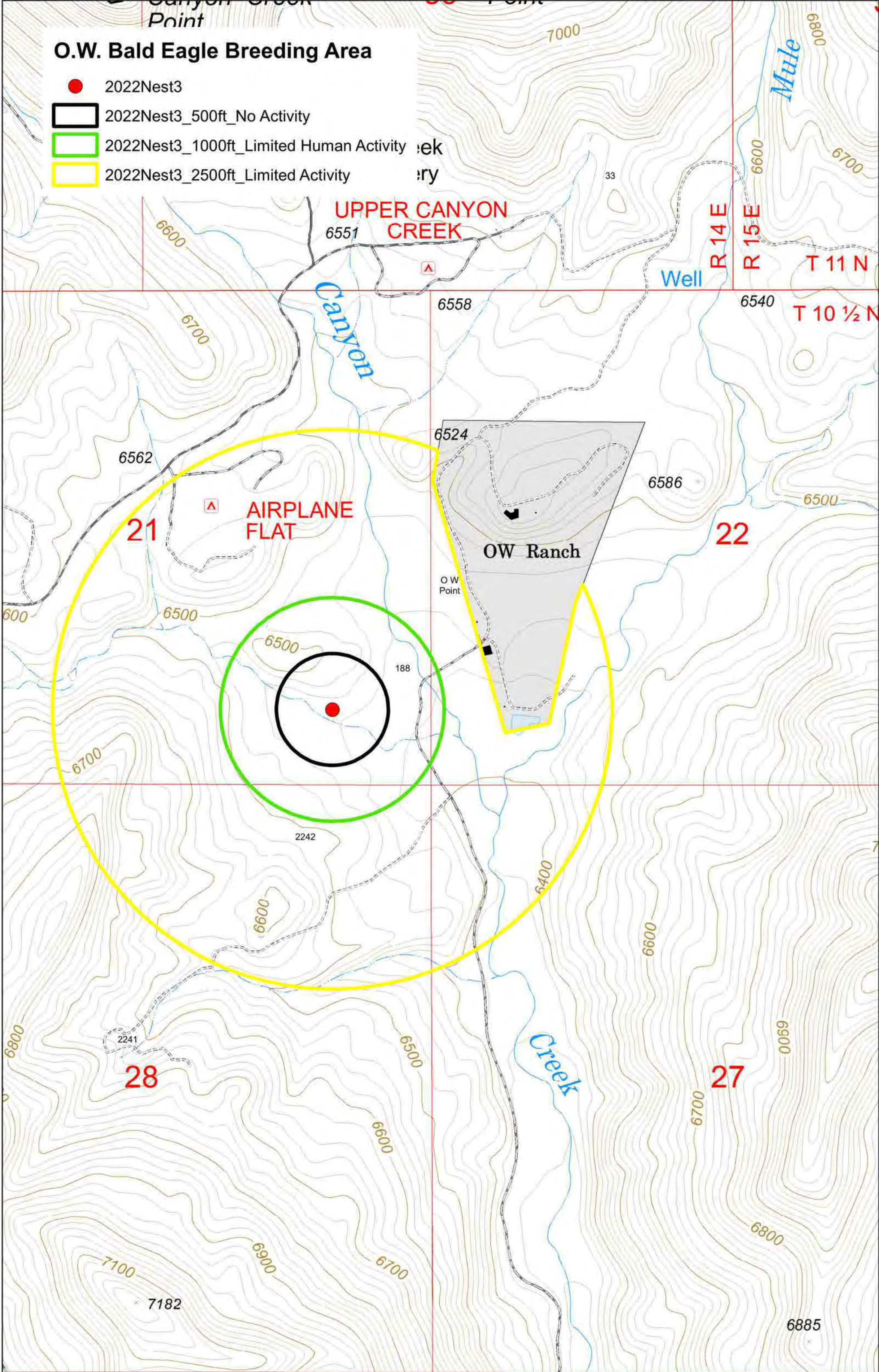
MATTHEW PACIOREK  
District Ranger

Digitally signed by MATTHEW  
PACIOREK  
Date: 2022.02.08 13:47:03 -07'00'



# O.W. Bald Eagle Breeding Area

- 2022Nest3
- 2022Nest3\_500ft\_No Activity
- 2022Nest3\_1000ft\_Limited Human Activity
- 2022Nest3\_2500ft\_Limited Activity





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