



United States  
Department of  
Agriculture

Forest  
Service

Tonto Basin  
Ranger District

HC02 Box 4800  
Roosevelt, AZ 85545  
Phone 520.467.3200

File Code: 2230/2670

Date: March 10, 2000

Sandborn Land & Cattle Company  
HCR4 Box 25  
Globe, AZ 85502

Dear (b) (6)

This is in reference to the discussion Linny Warren and I had with you and your (b) (6) (b) (6) on Monday, February 28, 2000. This letter will document the discussion in which I described the issues on your grazing allotment and actions that must be taken.

Severe drought conditions and low forage production are continuing to cause resource problems on the Tonto National Forest. Livestock have heavily used riparian areas and uplands, especially in the desert portion of the Tonto National Forest.

In December 1998, Southwest Center for Biological Diversity filed suit against the Forest Service alleging that ongoing grazing on 25 allotments on the Tonto National Forest violated the consultation provisions in section 7(a)(2) of the Endangered Species Act (ESA) (Southwest Center for Biological Diversity v. U.S. Forest Service, CIV 99-0795-PHX-WGY). The Poison Springs and Sierra Ancha Allotments for which you hold a grazing permit were two of the allotments listed in this lawsuit.

As part of the consultation process the Forest Service prepared a Biological Assessment on March 31, 1999. In June 1999, the Forest Service analyzed the effects that continued grazing would have on listed species and habitats pending the completion of consultation. This analysis, conducted pursuant to section 7(d) of the ESA, concluded that continued grazing during the consultation would not result in irretrievable and irreversible effects that could foreclose reasonable and prudent alternatives for management of listed species provided that proper use levels identified in the annual operating instructions were maintained. Recent monitoring and observations indicate that proper use levels on the Poison Springs and Sierra Ancha Allotments have been exceeded and that continued grazing is resulting in unacceptable resource impacts. Monitoring conducted on both allotments in 1998 and 1999 indicate utilization levels exceed 70% in most cases, especially in the riparian areas of Coon Creek, Chalk Creek, Dry Creek, and lower Cherry Creek. Also, streambank alteration exceeds 100% in Coon Creek.

For these reasons it is necessary to remove livestock from the Poison Springs and Sierra Ancha Allotments. Under Part 2 Section 8 of your grazing permit I am amending your annual operating instructions and directing you to remove all livestock from the Poison Springs and Sierra Ancha Allotments. The removal of livestock must begin immediately and all livestock must be removed from the allotment by April 30, 2000. This action is necessary in order to protect the riparian areas and watersheds, and to ensure that the Forest Service and the permitted livestock user comply with section 7(d) of the (ESA).



Failure to remove your livestock in the most expeditious manner could expose you to liability under the ESA.

This decision is subject to administrative review under 36 CFR 251. Any appeal must be filed within 45 days of the date of this letter with the Forest Supervisor, Tonto National Forest, at 2324 East McDowell Road, Phoenix Arizona, 85006.

I know this decision will require significant modification of your grazing operation. I am available to meet and discuss any concerns, issues and/or questions you have regarding this decision. Please contact Linny Warren or myself at my office regarding your plans for livestock removal.

Sincerely,

A handwritten signature in black ink, appearing to read "Tina J. Terrell", with a long horizontal flourish extending to the right.

TINA J. TERRELL  
District Ranger