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Working to protect and restore Western Watersheds and Wildlife

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Sent this date via email to the following:

R3 Regional Forester, Michiko Martin (michiko.martin@usda.gov)
Acting Supervisor Tonto National Forest, Ericka Luna (Ericka.luna@usda.gov)
Range Program Manager, Chandler Mundy (chandler.mundy@usda.gov)

Dear Regional Forester Martin, Supervisor Luna, and Range Program Manager Mundy,

In August 2024, Western Watersheds Project, Sierra Club-Grand Canyon Chapter, and Jeff Burgess sent a letter to the Tonto National Forest advising the Forest of the need to conduct a NEPA analysis prior to restocking vacant grazing allotments or reauthorizing use on closed allotments. We referenced our objections to the revised Land Management Plan, and the discussions held during the objection resolution meetings wherein we were told that there would be a public process prior to authorizing grazing on vacant or closed allotments, dependent on the NEPA processes previously conducted. In the Forest Service's Objection Response, we were assured that "where NEPA is needed because NEPA has not been completed or there have been significant changes since the previous NEPA was completed, the Forest will complete NEPA and ensure compliance with other applicable laws *prior to issuing a grazing permit*."

However, and as we noted in our August 2024 letter, the final management plan decision did not mention this issue. In our 2024 letter we identified 8 grazing allotments of particular concern and pointed out the significant changes that had occurred since they had last been authorized for grazing. We also pointed out the Tonto National Forest's long history of authorizing grazing on long-vacant allotments without notice to the public and in violation of land management regulations. We asked the Forest Service to commit to engaging in a NEPA process, at least for those 8 vacant allotments. The response from the Forest Service was a condescending letter expressing gratitude "for the opportunity to explain [the Forest's] grazing program" to us.

In June 2025, Western Watersheds Project and Wilderness Watch sent the Tonto National Forest a letter expressing our grave concerns about the recent, and what we believe to be illegal, restocking of the long-vacant Reavis-Tortilla grazing allotment located in the Superstition

Wilderness in the Tonto National Forest. In this June 2025 letter we asked the Forest Service to let us know when livestock were first reauthorized on the allotment, what class of livestock had been authorized, the stocking rate and season of use, and when the last allotment assessment had been conducted and made public.

As of late October 2025, we have not received any response to our June 2025 letter.

The Reavis-Tortilla allotment has been vacant for several decades and, as we noted in our June 2025 letter, and in an August 6, 2024, letter, any Forest Service decision to authorize livestock grazing on long-vacant allotments should go through a National Environmental Policy Act (NEPA) process. Indeed, in the Land Resource Management Planning objection resolution meeting for the Tonto National Forest that took place February 21-22, 2023, we were assured “there would be a public process for analyzing [vacant allotments] through the NEPA process.¹” While we understand that Forester Martin’s explanation during the objection resolution meeting that if NEPA had previously been done a new NEPA process might not be required, we did then express our concern that the NEPA process for nearly all allotments on the Tonto National Forest were woefully outdated and significant changes on the ground have very likely occurred that would require a new NEPA process, especially for allotments that had been vacant for decades.

The Forest Service’s May 2023 Objection Response Report stated, at page 94, that for vacant allotments, “where NEPA is needed because NEPA has not been completed ***or there have been significant changes since the previous NEPA was completed, the forest will complete NEPA and ensure compliance with other applicable laws prior to issuing a grazing permit.***”

We reiterated our concerns in our August 2024 letter, and again in our June 2025 letter. As of now, we have seen several long-vacant grazing allotments within the Tonto National Forest (and indeed, in other Region 3 forests as well) restocked without any NEPA process at all. We have also ***not seen*** any NEPA process or notification that long-vacant allotments have been considered for closure to permitted grazing.

As we have noted previously, there were eight (8) grazing allotments in the Tonto National Forest that were long-vacant, most of those located within or partially within designated Wilderness areas, all located within hot desert biomes, all impacted by drought and/or wildfire over the past several decades, and the most recent NEPA analysis for any of these allotments is more than 40 years old. New species have been added to the Endangered Species list, watershed conditions have changed, and riparian areas have become even more critically important and imperiled than they were two generations ago.

As we stated in 2024 and 2025, it would clearly be a NEPA violation if the Forest authorized grazing to begin on any of these long-vacant allotments without first conducting a new environmental analysis, and it would also be contrary to the assurances Forest Service officials gave us during the LMP decision-making process. Unfortunately, this is exactly what has

¹ From USFS notes from Tonto National Forest LRMP objection resolution meeting on February 21-22, 2023.

happened. And while this is disappointing, it is not at all surprising given the Tonto's long history of authorizing livestock grazing in violation of NEPA.²

We believe the following information regarding the Reavis-Tortilla allotment is accurate and unless the Forest Service provides documentation to the contrary, we will move forward with that belief:

- Grazing occurred on the allotment in 2022, 2023, 2024, and 2025.
- No Annual Operating Instructions (AOIs) were issued for the allotment in 2022 or 2023
- In the absence of AOIs for the allotment, grazing could only have been authorized on a “temporary” or “emergency” basis.
- The Forest Service handbook, 2209.13.2023.2, indicates that temporary livestock permits should be used for short periods of time only, not to exceed one year, and rarely for more than one year. They are issued in limited, well-defined circumstances (found at 36 C.F.R. 222.3(c)(2)).
- There is no information about the circumstances that caused the issuance of the 2022 and 2023 permits, temporary or otherwise. No rationale for the authorization of temporary use exists.
- Forest Service regulations, 36 C.F.R. 222.3(c)(2), states that temporary permits should not exceed one year and may be issued: to allow for use of range while a term permit is held in suspension (does not appear to apply here), to use forage created by unusually favorable climatic conditions (does not appear to apply here, see drought information below), to use forage available when the permit of the normal user's livestock is in nonuse for personal convenience (does not appear to apply here), to allow a person to continue to graze for the remainder of the grazing season where base property has been sold/the permit waived/a new term permit issued (does not appear to apply here), or to allow grazing use in the event of drought or other emergency where such use would not result in permanent resource damage (does not and cannot apply here because any level of grazing in the Sonoran desert results in permanent damage).
- There is no application form FS-2200-02 or -05 for temporary use, as required by FSH 2209.13-2023-2(34).
- Temporary use can only be authorized when all of the following are true: grazing is consistent with the LMP and within scope of grazing effects analysis (does not apply here because the LMP did not analyze grazing impacts and this authorization is not consistent with the LMP); vegetation, soils, and watershed conditions would be maintained, improved, or moved toward desired conditions (cannot apply here because an allotment that has been ungrazed for multiple generations will be degraded by any level of grazing); monitoring indicates objectives from LMP or AMP are being met or satisfactory progress is made towards meeting them (may be true because an allotment that is ungrazed for decades will be in better condition than when it was grazed); the permit administration does not significantly add to the existing term grazing permit administrative workloads (unknown whether this is true).
- There does not appear to be a bill for collection for the temporary permits.
- There is an AOI for the Reavis-Tortilla allotment for 2023-2024, issuing a permit to Stud Camp Ranch, LLC. This AOI is dated January 10, 2024, and authorizes 1,415 livestock between January 1 and June 15, allows the placement of salt and/or supplements, troughs, and grazing

² Please see page 3-4 of our August 6, 2024 letter which details the allotments we are referring to.

infrastructure maintenance/construction within the Wilderness area, and states only that the permittee must obtain District approval prior to bringing heavy equipment onto the Forest but does not prohibit motorized use within the Wilderness.

- After receiving inquiries from members of the public, the Forest Service provide a document titled “Reavis-Tortilla Allotments AMP and NEPA Sufficiency Review. This document is undated and appears to be more of a memo to District Ranger Matt Lane. The document indicates the document’s author, District Range staff Matt Kilford, reviewed the 1985 Environmental Assessment and Decision Notice for the allotment and reviewed the “existing AMP” with other Forest Service staff. Concerns identified include: experimental population of Gila topminnow stocked in upper Tortilla Creek, Arizona highway 88 was currently closed due to post-fire flood events, Forest Service road 213 to Tortilla Ranch had become extremely rough and nearly impassable by truck and trailer, the Arizona Department of Transportation had concerns about the amount of fencing that would be required along Arizona highway 88 to keep livestock off the highway, post-fire vegetation monitoring indicated vegetation had grown but grazing infrastructure “needed attention.”
- There is no evidence that Matt Kilford reviewed the 1990 Reavis-Tortilla AMP as part of the “NEPA sufficiency review” process.
- There is no evidence that Matt Kilford reviewed the July 30, 1996 Withdrawal of Decision for the grazing strategy and associated developments for the Reavis-Tortilla study area, which stated that “[w]hen any future decisions are made regarding livestock management on the Reavis-Tortilla Study Area, they will be available for public review and appeal.”
- Recommended changes to the existing (but very outdated) permit were made in this “NEPA document.” These changes include: removing a portion of the pasture containing Tortilla Creek from the rotation schedule, using a phased approach to range infrastructure repair (fences and waters), fences would “be fixed to keep cattle away from” highway 88, and “access to the allotment can be facilitated.” Note here that the allotment is largely within a designated Wilderness area. Other terms and conditions were to remain the same, meaning there was no reduction in AUMs authorized even though some parts of the allotment were no longer being used.
- The 2024-2025 AOI, apparently signed on September 17, 2024, was “rescinded” on March 13, 2025, due to current drought and water conditions and the allotment was placed in non-use for resource protection for the 2025 grazing season.
- On May 28, 2025, Tonto National Forest staff indicate that a newly maintained (i.e., bulldozed) section of road was an unauthorized spur route off Forest Road 213.
- Forest Road 213 is a cherry stem into the Superstition Wilderness and the Wilderness boundary is set at 33 feet on either side of that road. It is unclear if the Wilderness boundaries are different than the old Tortilla Ranch headquarters inholding boundary, which was located along the road.
- It is unclear whether this new section of road may have been constructed in order to facilitate access to the allotment, as described in the recommendations from the “NEPA document” mentioned above.
- There was an old, possibly historic, windmill located on the former inholding on the allotment, along Forest Road 213. This windmill has been torn down and a new power pump has been inserted into the well where the windmill was located. Plastic pipeline and blue plastic stock tanks are in the same location. It is unknown at this time who has water rights at this well.

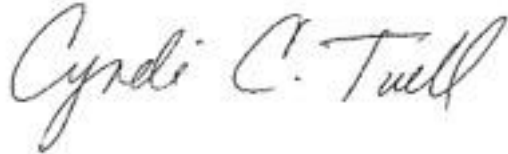
- The pump, pipeline and tanks are removing water from the well which is located along the banks of Tortilla Creek, which is ephemeral in this reach.
- There is no information about the authorization to install a new motorized pump, pipeline, or tanks and there is no information about impacts to the water table or to Tortilla Creek, which supports a mesquite bosque.
- The 2024 AOI states that “[u]se of mechanized equipment in the wilderness for maintenance **has not yet** been approved.”
- Drought conditions in March 2021 were worse than in March 2025, yet grazing was authorized in 2022.
- Drought conditions in September 2021 were worse than in September 2024, yet grazing was authorized in 2022.
- The 1990 Allotment Management Plan for the allotment required specific range infrastructure to be completed prior to allowing livestock to enter the allotment.
- There is no Forest Service documentation that this range infrastructure was completed prior to turnout.
- The 1990 Allotment Management Plan for the allotment required a determination of the stocking rate that is in balance with the forage available.
- There is no Forest Service documentation that the stocking rate was determined or that it is in balance.
- The 1990 Allotment Management Plan for the allotment required that livestock first be placed in “A” areas and that higher elevation chaparral and grasslands will be used first and livestock will be slowly moved to lower elevations. No livestock are allowed in “B” areas prior to April 1st.
- There is not information to indicate that livestock were managed in accordance with the 1990 AMP in 2022 and 2023.
- New fencing has been installed on the allotment and, while it is unclear if this was done in compliance with NEPA or the Wilderness Act, there is no documentation of such compliance.
- A list of grazing allotments found in the 1998 Superstition Wilderness Plan does not identify the Reavis or Tortilla grazing allotments as active. These allotments had appeared on the 1992 Superstition Wilderness Plan and were removed from the 1998 plan, indicating they were not active allotments.
- The 2022 Tonto National Forest Land Management Plan specifies Management Level B for the Superstition Wilderness which means “improvements are minimal” and livestock use is within the *present* grazing capacity.”
- There is no documentation of the *present* grazing capacity for this allotment.
- The 2022 Tonto National Forest Land Management Plan specifies Management Level B for the Superstition Wilderness which means management will be based on individual Allotment Management Plans prepared in coordination with this Implementation Plan.
- There is no Allotment Management Plan prepared in coordination with the 2022 Implementation Plan for this allotment.
- The 2022 Tonto National Forest Land Management Plan specifies Management Level B for the Superstition Wilderness which means Allotment Management Plans will be based on an evaluation of management alternatives through the NEPA process and within Level B priority will be given to maintenance of natural ecological successions and to the recovery of riparian areas.

- There is no Allotment Management Plan that reflects the Land Management Plan Level B alternatives requirement or priority to ecological succession and the recovery of riparian areas.
- It is unclear whether a new motorized route has been created within the Superstition Wilderness Area and this motorized route may have been used by the permittee for range infrastructure (“improvement”) maintenance and/or installation.
- There is no Minimum Requirements Decision Guide or Analysis, no documentation of compliance with the Congressional Grazing Guidelines, or any documentation of the practical necessity and reasonableness for motorized access to the Wilderness area on this allotment.
- The 2022 Tonto National Forest Land Management Plan specifies that the Reavis Creek Riparian Area will be maintained as an area excluded from all grazing by maintenance/reconstruction of the existing fence.
- There is no documentation that the exclusion fence for Reavis Creek has been maintained or reconstructed.
- In response to email requests and public records requests from an individual after grazing was discovered on the Reavis-Tortilla allotment, the Tonto National Forest staff cited the University of Arizona Cooperative Extension range monitoring as justification for authorizing grazing on the Reavis-Tortilla allotment.
- The University of Arizona Cooperative Extension range monitoring focused only on plants consumed by livestock and did not assess the condition of the full suite of plants found in the Sonoran Desert and did not assess the condition of soil crusts. The 1990 AMP for the Reavis-Tortilla allotment identifies key forage plants for the allotment as mountain mahogany, jojoba, sideoats grama, and all woody species present in the riparian biotic community.
- The University of Arizona’s monitoring of the Reavis-Tortilla allotment is part of the Reading the Range Program on the Tonto National Forest. This program began in 2004 and was then focused solely on monitoring range conditions on the forest in order to provide data to help improve the ongoing grazing program. Over the last several years the program has begun assessing long-vacant allotments, mostly in Wilderness areas. It appears local ranchers want to use the information from these assessments to initiate grazing on vacant allotments. This appears to be what happened on the Reavis-Tortilla allotment.
- In 2022, the local Gila County Board of Supervisors approved a \$100,000 contribution to the Reading the Range Program through an intergovernmental agreement with the Tonto Natural Resources Conservation District. The board’s chairman at that time, Woody Cline, was a grazing permittee on the Tonto National Forest.
- Livestock are excluded from a portion of Tortilla Creek because of the presence of Gila topminnows, an endangered species. The section of Tortilla Creek where the fish are present is downstream of the stretch of Tortilla Creek that runs through the Reavis-Tortilla allotment.
- The impacts of grazing on the Reavis-Tortilla allotment on the Gila topminnow in the downstream reach of Tortilla Creek, after decades of rest from grazing, has not been analyzed nor disclosed to the public.
- Livestock presence was documented on the Reavis-Tortilla allotment, including within a riparian area, in May 2025. A new stock tank, pipeline, new corral, and a new pump were documented on the allotment, and it is unclear whether this is within the designated Wilderness area.
- In 2019 a stretch of Tortilla Creek was documented with water. Now, in 2025, after a pump, pipeline, and storage tanks are installed on the allotment, the same section of Tortilla Creek is dry.

The failure to conduct a NEPA analysis for the Reavis-Tortilla allotment, prior to authorizing livestock grazing, has resulted in a failure to identify and analyze the ecological recovery that took place on the allotment over the past several decades, has destroyed any opportunity to determine an environmental baseline by which to evaluate the impacts of grazing in the future, and now, in addition to NEPA violations, we believe there are violations of the Wilderness Act.

With this letter we are asking you to immediately cease all livestock grazing authorizations on the Reavis-Tortilla grazing allotment as well as any other previously vacant grazing allotment until such time as a NEPA process can be completed. If we do not hear back from you within 30 days of receipt of this letter, we will explore all legal options for enforcing the grazing and other environmental regulations which the Tonto National Forest has ignored.

Thank you for your time and attention to this matter,



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s/Dan Brister

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