



**United States
Department of
Agriculture**

**Forest
Service**

**Blue Ridge and
Long Valley
Ranger Districts**

**HC 31, Box 300
Happy Jack, AZ 86024
(520) 477-2255**

File Code: 2230

Date: May 25, 2000

Certified Mail
Return Requested

Phillip K. Knight
P.O. Box 1525
Wickenburg, AZ 85358

Dear Mr. Knight:

This letter will serve as Amendment #1 to the Buck Springs allotment 2000 Annual Operating Plan (AOP), dated May 15, 2000.

On May 22, 2000, Jerry Gonzales (Range Staff, Blue Ridge Ranger District), was notified that there were two steers (one red and one black), with your brand, in the grazing enclosure in Potato Lake Draw on the Pivot Rock allotment. He called and left a message on your phone at Date Creek, informing you of this and requesting that you remove the livestock.

On May 23, 2000, John Stephenson (Range Technician, Blue Ridge Ranger District), confirmed that the 2 steers in question did have your brand, and were located in the grazing enclosure, approximately ½ mile north of the 147B/147 Road junction, just off the 147 road on the west side. Jerry Gonzales called and left a message on your phone at Date Creek with this information on May 23. In addition, he left a message regarding this situation at Limestone Cabin on that date, as he was not able to locate you to tell you in person.

On May 24, 2000, Jerry Gonzales notified you in person about the steers in the grazing enclosure, and requested that you remove the livestock as soon as possible.

The grazing enclosure on the Pivot Rock allotment is one in which we have agreed, as part of a stipulation agreement ending a lawsuit, to exclude from livestock grazing and to monitor on a regular basis to ensure that livestock grazing does not occur.

I am giving you seven days from when you were first notified (May 22, 2000), until May 29, 2000, to remove the steers from the grazing enclosure on the Pivot Rock allotment.

If the livestock are not removed as requested within seven days, I will issue a certified letter within two days of the the May 29, 2000 deadline which will notify you in writing of the specific violation, giving you 10 days from issuance of the certified letter to show cause why the permit should not be suspended or cancelled.



If the livestock are not removed, and you do not provide sufficient evidence why action against the permit should not be taken, I will initiate suspension or cancellation action within 5 days after the 10 day time frame given to show cause.

On another matter, this time dealing with the 2000 AOP for Buck Springs dated May 15, 2000, you failed to comply with the instructions to maintain the fences in the pastures before the cattle enter the allotment. The AOP noted that this applied especially to the Dines Tank enclosure and Knolls pasture.

On May 23, 2000, Jerry Gonzales inspected the Dines Tank enclosure and noted that the upstream (southern) watergap across Leonard Canyon had not been maintained. He put the watergap up, using the tie wire he had, but this is only a temporary measure until you can maintain it the way it should be so as to turn cattle and prevent them from accessing the enclosure. Also on that date, John Stephenson inspected the pasture division fence between the Moonshine and North pastures and noted that this fence had trees across it and had not been maintained this year.

I am notifying you that I propose to take action on your permit, for not following the instructions in the AOP. I will wait until June 8, 2000 before I take this permit action, in order to give you time to respond. I am asking you to show cause, in writing, why I should not take permit action. If you do not contact me before then, I will suspend 20% of the livestock numbers (head of cattle) permitted on the Buck Springs Allotment for a period of one year. The 20% suspension equates to 149 head of cattle of the total 746 head on the permit. The suspension will be revoked at the end of the 2000 grazing season, if you comply with all Terms and Conditions of your permit, including the Annual Operating Plan. If you fail to comply during 2000, we will move beyond suspension to cancellation of all or a portion of your Term Grazing Permit in 2001.

This decision is subject to administrative review pursuant to 36 CFR 251 and any appeal of this decision must be fully consistent with 36 CFR 251.90. A notice of appeal, including the reasons for appeal, must be filed with the Forest Supervisor within 45 days of the date of this decision at the following address:

Jim Golden,
Coconino National Forest Supervisor
2323 Greenway Lane
Flagstaff, AZ 86004

A copy of the notice of appeal must be filed simultaneously with:

Larry Sears
District Ranger
Blue Ridge and Long Valley Ranger Districts
HC 31, Box 300
Happy Jack, AZ 86024.

If you file a notice of appeal you may simultaneously request mediation pursuant to 36 CFR 251.103. If mediation is desired you must request mediation as part of filing your appeal. If you request mediation a stay of the decision will automatically be granted for the duration of the mediation period which is 45 calendar days. If agreement has not been reached at the end of 45 calendar days, but it appears to the Deciding Officer that a mediated agreement may soon be reached, the Reviewing Officer may extend the mediation period for up to 15 calendar days from the end of the 45-day appeal suspension period. If a mediated agreement is reached the Reviewing Officer will close the record without a decision on the merits of the appeal. If a mediated agreement cannot be reached under the specified timeframes, the stay granted during mediation will be lifted and the timeframes and procedures applicable to the appeal will be reinstated. All negotiations are confidential and mediators are specifically trained to serve as a neutral third party in those States with United States Department of Agriculture certified mediation programs.

This Annual Operating Plan Amendment #1 is hereby made a part of the Term Grazing Permit, as provided in Part 2, Section 8(a). If you fail to comply with any of the terms and conditions specified in Parts 1,2, and 3 of your Term Grazing Permit, we may suspend or cancel your permit, in whole or in part, after written notice. This is found in Part 1, Section 3 of your Term Grazing Permit. The AOP and Amendment #1 comply with the standards and guidelines found in the LMP.

The Annual Operating Plan (and subsequent Amendments) is appealable and subject to review under 36 CFR 251.82(a)(3) Grazing and livestock permits issued under 36 CFR part 222, subpart A. Appealable decisions apply to written decisions of Forest Service line officers related to issuance, denial, or administration of written instructions to occupy and use National Forest System lands.

If you have any questions or need any additional information, feel free to contact Jerry Gonzales at the Long Valley Ranger Station (520-354-2216).

/Larry G. Sears/

LARRY G. SEARS
District Ranger
Blue Ridge and Long Valley Ranger Districts

cc: Rodger Zanotto, S.O.
cc: Mark Whitney, S.O.
cc: Bruce Palmer, U.S. Fish and Wildlife Service