



**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**

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**File Code: 2230**

**Date: June 28, 2000**

Certified Mail  
Return Requested

Clifford Dean and Tammy Finch  
P.O. Box 1038  
Camp Verde, AZ 86322

Dear Mr. and Mrs. Finch:

This letter will serve as Amendment #1 to the Hackberry/Pivot Rock allotment 2000 Annual Operating Plan (AOP).

On June 16, 2000, Jerry Gonzales (Range Staff, Blue Ridge Ranger District) noted that there were two black cows and one brown calf in the grazing enclosure in Potato Lake Draw. The two cows had your brand. He called you that evening, informing you of this and requesting that you remove the livestock. You took quick action on this and removed the livestock.

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.

If your livestock are found within the grazing enclosure again, I will give you seven days from when you were first notified, to remove the livestock from the grazing enclosure.

If the livestock are not removed as requested within seven days, I will issue a certified letter within two days 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.

Also on June 16, 2000, Jerry Gonzales noticed that cattle were in four separate pastures (Huffer, North Potato, Baker, and South Potato). The cattle were scheduled, as per the AOP, to be in the Huffer Pasture from 6/9 to 6/29/2000. The electric fences had not been maintained between the Huffer and North Potato pastures.



In your conversation that evening with Jerry Gonzales, you stated that you were short of feed because of the drought, and thus were letting the cattle use all four pastures at once. You also stated that you had not gotten to the fences at this time. A meeting was scheduled for June 23, 2000 to discuss the situation and to propose some alternatives to the current schedule in the AOP.

On June 23, 2000, you and Jerry Gonzales talked about why the situation developed as it did on Pivot Rock. You acknowledged that you had been too busy with other tasks, such as building the new Potato Lake fence, to get to the required fence maintenance. You stated that you tried to notify Jerry Gonzales about a change in the grazing schedule, but were told that he was gone. He then gave you the names and phone numbers of several people to contact if changes are necessary, if he is not available. You stated that you were currently working on the electric fences, but it was difficult to get them to hold a charge enough to turn cattle. You said that the bulk of the cattle were now in Baker and Potato South pastures. You stated that you would ride the grazing enclosure at least every other day to make sure that there are not cattle present, but commented that the state of disrepair of the Potato Lake Watershed Enclosure, which is part of the grazing enclosure, did not make your task easy. You also said that later this season you would install the walk-throughs in the new Potato Lake fence.

I will expect you to fix the fences before you turn out cattle into a pasture, to ride the grazing enclosure at least every other day and remove cattle, to install the walkthroughs in the new Potato Lake fence, to follow all of the instructions in the AOP and this Amendment #1, and to notify me or my staff if you would like to make any changes to the instructions.

I am notifying you that I will take action on your permit if you do not follow the instructions in the AOP or in this Amendment #1 during the balance of the grazing season. This action could be a suspension or a cancellation of all or a part of your permit, depending on the infraction. I encourage you to discuss any changes to the instructions in the AOP or Amendment #1 you would like to make in the future, before making changes on your own.

Based on your discussions with Jerry Gonzales on June 23, 2000, the following is the grazing schedule for the balance of the season on the Pivot Rock portion of the allotment. You would leave Pivot Rock a week earlier than scheduled in the AOP. If we are able to make available to you unused pastures of adjacent allotments, we will contact you immediately and modify the grazing schedule accordingly.

PASTURE

Baker/South Potato  
Dry Lake  
East Bedbug  
Shipping  
Bald 1,2,3  
Bald 4, 5  
Neck 2,3  
Neck 1  
West Bedbug  
Toms  
Calloway  
27 Mile  
Sand Rock

GRAZE DATES

leave combined pastures on July 5  
July 6 – July 12  
July 13 – July 14  
July 15 – July 16  
July 17 – July 24  
July 25 – August 3  
August 4 – August 19  
August 20 – August 25  
August 26 – September 1  
September 2 – September 27  
September 28 – October 11  
October 12 – October 18  
October 19 - October 23

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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  
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