



File Code: 1570

Date: JUL 02 2019

[REDACTED]  
Canyon del Buey, LLC  
[REDACTED]

Dear [REDACTED]

I chose to conduct a discretionary review of the June 10, 2019, appeal decision by Appeal Deciding Officer, Gila Forest Supervisor Adam Mendonca, regarding the cancellation of Term Grazing Permit No. 61493. I completed my review pursuant to Forest Service appeal regulations at 36 C.F.R. § 214.19. This discretionary review decision shall constitute the final administrative determination of the United States Department of Agriculture under 36 CFR 214.19(d).

#### DECISION

I have thoroughly considered the issues raised in this appeal and the documentation in the appeal record, including your appeal, District Ranger Irwin's responsive statement, and Forest Supervisor Mendonca's appeal decision. I find that District Ranger Irwin properly followed procedures and acted appropriately in exercising her discretionary authority to cancel the Canyon del Buey term grazing permit. I also find that Forest Supervisor Mendonca properly followed all procedures in responding to your appeal. Both line officers provided thoughtful rationale that showed they carefully considered the relevant factors in making their decisions.

I agree that cancellation is appropriate and warranted here. I have no reason to disagree with Forest Supervisor Mendonca or District Ranger Irwin's findings or conclusions, which I find to be well-supported by the appeal record. The decision to cancel the term grazing permit complies with all applicable laws, policies, and regulations. Therefore, I am upholding the decision to cancel Term Grazing Permit No. 61493.

#### DISCUSSION

I do not feel it is necessary to recite the history of this permit or the actions that led to the cancellation of the Canyon del Buey term grazing permit as this information is already described in great detail in District Ranger Irwin's responsive statement as well as Forest Supervisor Mendonca's appeal decision. I am incorporating the contents of those documents here by reference. Likewise, I do not feel it is necessary to recount each of the issues raised on appeal as those were also covered in detail, and as I stated above, I have no reason to disagree with the findings and conclusions made by District Ranger Irwin or Forest Supervisor Mendonca. Their rationale was logical, thorough, supported by the record, and fully complies with applicable law and policy.

While I do not like to cancel any permit, this is a situation where cancellation is appropriate. The central facts are not in question. [REDACTED] admitted to taking an illegal action and violating federal law. He pleaded guilty and he was convicted by a federal court. His conviction is a violation of the express terms of the grazing permit. The permit and Forest Service regulations direct that cancellation is appropriate when a permittee violates either federal wildlife law or the terms of the permit. Likewise, the Endangered Species Act at 16 U.S.C. § 1540(b) provides that the Forest Service may immediately cancel a grazing



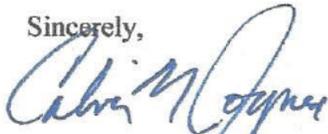
permit following a criminal conviction under that statute. The Forest Service unquestionably has authority to cancel the Canyon del Buey permit.

Violating a federal law is a serious action that requires a proportionate response. I do not find anything in the record to suggest that anything less than cancellation is warranted here. I understand the issues raised by the Canyon del Buey, LLC, in its appeal, but I do not agree with its objections, nor do I find any are valid reasons for reversing the decision to cancel the grazing permit.

I want to be clear that the cancellation of this grazing permit is a direct outcome of [REDACTED] actions in taking the Mexican gray wolf, his conviction, and the subsequent actions of both [REDACTED] and you regarding the Canyon del Buey permit. You are being held accountable for your own actions. I understand that grazing cattle is not easy and that there are many factors that may affect the profitability of the operation. In wolf country, one of those factors is wolves and depredation on livestock. However, there are other permittees who share the same pressures on their grazing operations without choosing to step outside the law.

I am required to manage the national forests in accordance with our multiple-use mandate, which includes providing for both grazing and wildlife. Toward this goal, this allotment will continue in use and will be made available to another permittee, under the grant process described in FSM 2231.3 and FSH 2209.13, 13.2, as soon as possible. The decision stated above is the final agency decision on this matter. All livestock associated with the Canyon del Buey term grazing permit shall be removed from the allotment within 60 days of the date of this decision.

Sincerely,

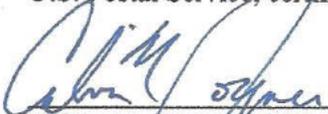


CALVIN N. JOYNER  
Regional Forester

cc: [REDACTED] Adam Mendonca; Emily Irwin; Dawn Dickman; Roxanne Turley

\*\*\*Certificate of Service by Mail\*\*\*

Pursuant to 36 C.F.R. § 214.14(g)(1), I certify that this letter has been sent to all parties to this action via U.S. Postal Service, certified mail.



Cal Joyner, Regional Forester, Southwestern Regional Office