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Date: February 5, 2009

EARL AND JOHN NAGILLER
NAGILLER & SONS INC
420 N. 6TH STREET
WILLIAMS, AZ 86046

Dear Earl and John:

This document contains your Annual Operating Instructions (AOI) for the Smoot Lake and Moritz Lake Allotments during the 2009 grazing season. This AOI is part of your Term Grazing Permit as indicated in part three of your permit.

1. Season of Use and Numbers to be Grazed

Your annual validation and billing period will allow for the following period of use with the following numbers allowed:

270 cattle from March 1, 2009 to February 28, 2010

Three herds will be permitted:

- 1) The main herd consisting of adult cattle and horses,
- 2) A bull herd of up to 25 animals to be run separately from 3/1 to 5/31, and
- 3) A convalescent herd of no more than 15 animals.

Yearling bulls must be kept with the Main Cow Herd, with the Adult Bull Herd, or on private land. Up to six horses may be substituted for six cattle, and all horses are to run with the main herd at all times.

Changes to the Pasture Sequence may only be made with prior Forest Service approval. It is a permit violation to make changes to the Grazing Schedule without first receiving approval from the Forest Service. If you are found to be out of compliance, further permit action will be taken.



2. Pasture Sequence

The following is the pasture sequence for the 2009 grazing season:

A) Main Herd

Pasture Name	Use Dates	Number of Head	Number of Days
NE*	1/21 to 4/15	135	85
Smoot*	2/1 to 4/15	135	74
Allen	4/16 to 5/28	270	43
Moritz and Marlar	5/29 to 7/31	270	64
Bull Basin and Juniper	8/1 to 8/31	270	31
Lost and Drip	9/1 to 10/15	270	45
Antelope	10/16 to 12/15	270	61
NE and Platten**	12/16 to 1/31/2010	270	47
Allen**	2/1 to 2/28/2010	270	28
Knobs (shipping pasture)	10/1 to 11/30	30	61

*These animals may move into the Allen Pasture prior to April 15 if forage and weather conditions permit an early move.

** We would like you to consider moving into the Smoot Pasture on December 16 and then move into NE and Platten on February 1, 2010. This will avoid using Smoot Pasture at the same time of year two years in a row, and will provide for spring deferment.

B) Bull Herd - A combination of up to 25 cattle (bulls and/or cows) is permitted in the following pasture:

Pasture Name	Use Dates	Number of Days
Everett	3/1 to 5/31	92

If it appears that forage utilization guidelines are being reached in the Everett Pasture sooner than May 31, the Permittee will contact the Forest Service to discuss where to move the livestock (either Red Rock, BS, or the Platten Pasture) and for how long.

All of these animals will be placed with the main herd in the Moritz and Marlar Pastures by June 5, 2009 and must remain as one herd following the pasture sequence in 2A, above.

C) Convalescent Herd

Up to 15 animals may be kept within the corrals and waterlots at Winter Camp and Allen Lake, but they must not be released to graze separately in any pasture. Once healthy, they are to join the main herd.

Pastures to be rested this year are: Rabbit, BS, and Faye.

Much of the **Faye Pasture** burned in the Marteen Fire of 2008, and livestock grazing will not be permitted until there has been sufficient recovery of the forage resource. This means that Faye Pasture will receive at least one growing season of rest from livestock grazing. The Forest Service will monitor conditions and notify you when livestock may return to that pasture. You are welcome to join us as we monitor, as well as monitoring it on your own. Please contact Clare Hydock if you are interested in joining us.

The pasture Use Dates in each pasture are estimates, subject to adaptive management. Forage conditions are variable across each allotment and they may change in response to seasonal precipitation and temperature patterns and/or populations of poisonous larkspur. It may be necessary to change the pasture rotation or the number of days in each pasture. However, it is important for both the Permittee and the Forest Service to notify each other promptly if it appears that changes to this schedule may be necessary.

Livestock are to be actively herded from one pasture to the other. It is the Permittee's responsibility to ensure that all livestock are removed from each pasture within 5 days of the scheduled off date. If the Permittee can not meet this time frame, the Permittee must contact the Forest Service before this period has expired to request an extension.

3. **Allowable Use (Utilization) Guidelines**

Allowable Use Standards were set in the "Allotment Management Plan for the Smoot Lake/Moritz Lake Allotments" (1994; AMP). The AMP follows direction described within the 1993 Decision Notice and "Environmental Assessment for the Revision of the Smoot/Moritz Allotment Management Plan" (EA). The EA and AMP were amended by the 2004 Biological Evaluation for Endangered Species Act Section 7 Consultation on Re-issuance of Grazing Permits for the Davenport, Hat, Moritz Lake, and Spitz Hill Allotments.

The Allowable Use Standards for the Smoot Lake and Moritz Lake Allotments are:

- 30% in the winter/spring pastures (January 1 – April 30),
- 40% in the summer/fall pastures (May 1 – December 31) that do not contain Mexican Spotted Owl or Northern Goshawk habitat,
- 20% in all Protected or Restricted Habitat for the Mexican Spotted Owl, and
- 20% in all Territories for the Northern Goshawk.

Livestock must be moved to the next pasture or off the allotment when use in areas outside Mexican Spotted Owl and Northern Goshawk habitat reaches Moderate Grazing Intensity from March 16 to August 31 (when there is potential for re-growth) and Conservative Grazing Intensity from September 1 to March 15 (near the end of the growing season or during the dormant season).

Mexican Spotted Owl Protected and Restricted Habitat is found in the Kendrick Mountain Wilderness Area in the Marlar Pasture of the Moritz Lake Allotment.

Northern Goshawk habitat (territory or home range) occurs on the Moritz Allotment near Forest Road 736 within Sections 5, 6, 8, 9, and 16 in the Lost Pasture. It is also found north and south of FR 90 near the intersection with FR 144 within Sections 14, 23, 24, 25, and 26 in the Moritz and Juniper Pastures.

Utilization is limited to an average of 20% in Mexican Spotted Owl Protected or Restricted Habitat and Northern Goshawk Territories. Within the specified habitat for these two birds, livestock must be moved to another part of the pasture, to the next pasture, or off the allotment when use reaches Light Grazing Intensity (all year).

Management requirements for the Mexican Spotted Owl and the Northern Goshawk require that forage and habitat be maintained in a healthy condition for owl and goshawk prey species which are small mammals and various birds. Such conditions are generally met if forage utilization in forested areas and the small meadows under 200 feet in width does not exceed 40% and averages 20%. The permittee will take action so livestock grazing does not exceed these use levels. Actions may include: salt placement, water control, and herding or riding. If continued forage use above desired levels occurs, adjustments in the Allotment Management Plan, stocking level, or other management or administrative actions may be necessary.

Allowable Use Standards must not be exceeded in key areas of the allotment. Key areas are identified as areas that have easy access for livestock, are close to watering points (1/4 to 1 mile away), and have desirable species composition and vigor for the specific area. The location of key areas for forage Grazing Intensity and Percent Forage Utilization monitoring and key forage species should be discussed with your district grazing permit administrator.

4. Range Improvements

The Permittee must follow the Heavy Equipment Policy before starting any work that involves soil disturbance (refer to letter dated December 18, 2008).

Maintenance of Range Improvements –

Range improvements assigned to you need to be inspected and the problems found corrected on a yearly basis. All maintenance must be maintained to standard before livestock enter a pasture.

The Forest Service will not provide any material for routine maintenance. The Permittee may request a Forest Products Free Use Permit in order to cut juniper fence posts and stays for use only on their Forest Service allotment. No tree cutting is allowed without a forest products permit.

Hazard trees may need to be cut to prevent them from falling on fences. However, no tree cutting may be conducted without specific written permission from the Forest Service.

Projects Identified for 2009

The permittees have submitted a request to clean White Tank (#2009) this year. We will notify you in writing when clearances are obtained and work can proceed.

Construction or Reconstruction of Range Improvements

The Forest Service will rebuild approximately 3 miles of the Smoot Lake/Squaw Mountain/Elk Springs Allotment Boundary Fence that burned in the Marteen Fire of 2008 (range improvement numbers 1975 and 1978).

The 'Environmental Assessment for the Revision of the Smoot/Moritz Allotment Management Plan', July 20, 1993, directed that enclosure fences be installed at Smoot Lake and Faye Lake to enhance their wetland aspect (page 13, Details Common to Alternatives 1 and 5). These fences have yet to be built, and when funding and personnel are available, these projects will move forward.

5. Livestock Distribution

Grazing Intensity will be more uniform across the pasture if livestock are well distributed. Distribution aids include: water hauls, waterlot control, salt and supplement stations, and herding. Livestock may remain in each pasture during the entire permitted use period if Grazing Intensity does not exceed the Allowable Use Standard throughout the pasture. If the Allowable Use Standard is exceeded in one area of the pasture because you don't move your animals from a preferred location, then livestock must be moved to the next pasture in the rotation or off the allotment. Areas exempt from this requirement are lands within ¼ mile of permanent water sources that are not fenced.

The following requirements apply to the use of salt and supplements:

- a) Place salt in portable containers, rather than directly on the ground, in order to protect the soil.
- b) Remove the salt and supplements when the livestock leave the pasture.

Place portable water troughs and salt/supplement stations in these locations:

- a) At least ¼ mile away from permanent water
- b) Areas of light forage Utilization. Move the water or salt/supplement when the Allowable Use Standard has been met.
- c) Different sites than were used last year.
- d) On soils that are not fragile or eroding.
- e) On sites that are not in wetlands or drainages.
- f) On sites that are not in Mexican Spotted Owl protected or restricted habitat.
- g) On sites that do not have populations of rare plants (including Tusayan/disturbed rabbitbrush), if known.

Hay may be used only when snow has greatly limited the use of available forage. The same considerations for distribution will apply when feeding hay as given above when using salt and supplements.

Gates in waterlot fences will be left open for wildlife, unless closed on a temporary basis to facilitate cattle distribution in the pasture.

6. Drought Management

As always, Permittees are strongly encouraged to reduce the number of animals stocked during droughts. Allowable Use Standards will be met much earlier in each pasture during the Grazing Period if the drought continues and only a minimal amount of forage is produced. If the Permittee is authorized to stock full numbers, it is likely that livestock will have to move through the pastures more quickly and be removed from the allotment at an earlier date because carrying capacity (i.e. Animal Unit Months (AUMs) available) is reduced during a drought.

7. Grazing Intensity Monitoring and Recordkeeping

All Permittees can estimate Grazing Intensity by observation in each pasture during the permitted Grazing Period. Grazing Intensity should be estimated in key areas that are located at least $\frac{1}{4}$ mile away from water or salt/supplement stations. The Permittee may make estimates in several key areas within each pasture where livestock spend the most time. Make estimates on your key forage species, i.e. common palatable species.

All Permittees are encouraged to keep records of Grazing Use and Intensity in each pasture and submit them to their district grazing permit at least yearly. Data to collect include:

- pasture name
- dates of actual use
- type and class of livestock
- number of livestock
- approximate location of key area
- Grazing Intensity class
- date of observation

Other notes may be recorded, such as precipitation records or observations. A form is included on the next page.

If you are not familiar with methods of estimating Grazing Intensity, we will arrange for training on an individual or group basis.

GRAZING INTENSITY MONITORING RECORD

Allotment: _____ Pasture: _____

Data Collector: _____ Permittee: _____

Dates of Actual Use: _____

Type and Class of Livestock: _____

Number of Livestock: _____

KEY AREA NAME & LOCATION	MONITORING DATE	GRAZING INTENSITY CLASS
<i>Example – Kaibab Flat, ~1/2 mile NE of Empty Tank, NW 1/4 of Section 28, 200' from Rd. 15</i>	<i>Example – June 5, 2007</i>	<i>Example – Moderate</i>

Grazing Intensity Choices: Light, Conservative, Moderate, Heavy, Severe

Precipitation Records:

Notes:

8. Fire

Be careful with campfires and branding fires. Pile burning is not permitted. Cooperation in the prevention and suppression of fires will be expected as specified in Section 10 of General Provision and Requirements, page 2, of your Term Grazing Permit.

9. Motor Vehicle Restrictions

If you need to enter a motor vehicle restricted area, you must have special authorization in the form of an Off-Road Vehicle Permit or specific authorization through your Annual Operating Instructions. Entering a restricted area without authorization is a violation of 36 CFR 261.

The Kaibab National Forest has actively pursued a road closure program for the last several years. This program is aimed at reducing non-essential roads for watershed protection and to decrease disturbance to wildlife. These closures must also be honored by the Permittees.

Additionally, the District policy is to discourage the public from use of vehicles off road. Permittees should also refrain from this practice for resource protection. Please contact the District when off-road vehicle use is anticipated.

If you have any questions or wish to discuss anything further, please feel free to contact Range Staff Clare Hydock at 928/635-5623 office, 928/606-1265 cell, email chydock@fs.fed.us; or me at 635-5630, email - mschramm@fs.fed.us), or FAX us at 928/635-5680.

Sincerely,

/s/ Martie Schramm
MARTIE SCHRAMM
District Ranger

cc: Elizabeth M Otero