



United States
Department of
Agriculture

Forest
Service
Tonto
National
Forest

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File Code: 1570

Date: May 31, 2000

Idle Spur LLC
C/O Bob and Shelly Sikora
7633 Via Del Reposa
Scottsdale, Arizona 85258

RE: Appeal No. 00-03-12-002-A251
(Previously: 97-12-so-002)

Dear Mr. & Mrs. Sikora:

This letter is my review decision on the appeal you filed on January 8, 2000, concerning Pleasant Valley District Ranger Howard Okamoto's decision to disapprove your application for 100 head of natural increase yearling carryover for the period of June 1, 2000 to October 31, 2000, on the Cherry Creek/Frio Canyon Allotment. I closed the appeal record following your oral presentation on March 24, 2000, as per our letter to you on March 10, 2000.

The reasons for Mr. Okamoto's decision were:

- 1) During 1999, dry winter/spring conditions caused a reduction in forage production in the pastures you were using on your allotment. In order to keep the 334 cattle on your allotment, you and the District Ranger agreed to amend the annual operating plan and use both the Deadman and Dump pastures from June 16th through September 30, 1999. Normally the Deadman pasture would be rested during that period because your yearlings would use the pasture from June through October of 2000. However, you agreed yearlings would not be kept in order to use the pastures as described.
- 2) During 1999, the North Turkey and South Turkey pastures were also used by the yearling herd instead of being rested. Thus these pastures were used three years in a row. (1997 – 1999)
- 3) As a result of the Deadman, North Turkey, and South Turkey pastures being used in the 1999 summer grazing season, these pastures needed to be rested during the summer 2000 growing period. Removing the Deadman pasture from the 2000 yearling rotation schedule has reduced the number of acres available to be used by the yearling herd by approximately one third to one half. The overall effect is not having any pastures available for the summer five month grazing season (June 1st - October 31st) without incurring serious resource damage. This is especially critical this year due to the ongoing severe drought conditions.



Decision:

My first level review of this appeal was conducted in accordance with 36 CFR 251 Subpart C. I reviewed all of your appeal points and based my decision on the points that were pertinent to Acting Ranger Okamoto's decision. After review of the appeal record, I find the District Ranger's decision with respect to disapproval of authorizing 100 yearlings from June 1st, 2000 to October 31st, 2000, was based on a reasonable evaluation of on the ground resource conditions in conformance with applicable laws, regulations, orders, policies and procedures. The District Ranger's decision was not unlawful, arbitrary capricious, or an abuse of discretion. Therefore I affirm the District Ranger's decision to disapprove the validation of 100 yearlings from June 1st, 2000 to October 31st, 2000, which is the subject of this appeal.

This decision is subject to a second level of appeal to the Regional Forester under 36 CFR 251.87. In order for the second level appeal to be considered, you must file the appeal within 15 days of receipt of this decision, and direct it to: Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102.

If you have questions concerning the appeal process, please contact Paul Stewart or Eddie Alford at (602) 225-5200.

Sincerely,

/s/ Thomas J. Klabunde

THOMAS J. KLABUNDE
Acting Forest Supervisor & Reviewing Officer

GHolder/Iy:05/26/00