



United States
Department of
Agriculture

Forest
Service
Tonto
National
Forest

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File Code: 1570-1

Date: February 5, 2001

Sanborn Land and Cattle Company
ATTN: Prior F. Sanborn
HC R4, Box 25
Globe, Arizona 85501

Re: Appeal #00-03-12-0012 Sanborn Land and Cattle Company concerning the District Ranger's Decision to cancel 80% of the term grazing permit

Dear Mr. Sanborn:

This letter constitutes my review and decision on your July 27, 2000 appeal. Your appeal concerns District Ranger Tina Terrell's June 22, 2000 decision to cancel 80 percent of the adult cattle and all carryover yearlings in your term grazing permit. The District Ranger's decision was made in response to your failure to comply with the terms and conditions of your permit.

I have reviewed your appeal points according to the provisions of the appeal regulations in 36 CFR 251.99. My review has been conducted in full consideration of the entire appeal record, federal statutes, policies and operational procedures set out in the directives system of the USDA Forest Service. I evaluated whether the decision was needed and if it was consistent with the terms and conditions of the grazing permit and other actions taken for non-compliance.

In your July 22, 2000 letter you stated: " We are appealing the numbers of cattle that we will be allowed to run because it will not be a viable operation. We have never been overstocked and moved balance of our cattle to another county."

The District Ranger's September 29, 2000 responsive statement stated that the reason for taking action on your permit was for your failure to comply with the terms and conditions of the Term Grazing Permit. I considered the terms and the conditions of your grazing permit and the authorities the District Ranger had in administering the permit. The grazing permit Part 2, Section 8(a) states: "the allotment management plan for the land described on page 1 Part 1, is a part of this permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest Officer in charge of the area under permit and will require employed agents, and contractors and subcontractors to do likewise".

The District Ranger's responsive statement also states that you allowed livestock numbers in excess of numbers permitted on the allotment from 1995 through 2000, failed to remove 30% of the cattle according to the District Ranger's direction in 1998, and failed to remove yearlings after the Ranger's direction on November 30, 1999.



After reviewing the appeal record, I conclude that the District Ranger's decision was made after appropriately warning, notifying, and communicating with you. The decision was based on your failure to comply with the terms and conditions of the grazing permit and was consistent with the District Ranger's authority.

My review of your appeal was conducted in accordance with 36 CFR 251 Subpart C. After review of the record, I conclude that the District Ranger's June 22, 2000 decision to cancel 80 % of your adult cattle and all yearling natural increase on your term grazing permit on the Sierra Ancha and Poison Springs Allotments was warranted and in conformance with applicable laws, regulations, orders, policies and procedures. I affirm the District Ranger's decision.

According to the appeal regulations (36 CFR 251.87) you may file an appeal to the Regional Forester within 15 days of this decision. The second level appeal must be sent to: Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. A copy of the second level appeal should also be sent to my office.

Sincerely,

/s/ Tomas J. Klabunde

THOMAS J. KLABUNDE
Deputy Forest Supervisor and Appeal Reviewing Officer

CC:
Regional Forester, R-3
District Ranger, D-6