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**Date:** August 11, 2020

**Title: Memo to the File, ASNF Unauthorized Cattle Removal Update**

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**Unauthorized Cattle in the ASNF:**

Unauthorized cattle are cattle not permitted to graze on the forest, such as cattle crossing over from the reservation or other land ownership. Unauthorized cattle may also be permitted forest livestock that have wandered off the area they are permitted to be in and crossed onto neighboring allotments or sensitive area enclosures.

Unauthorized cattle may also include cattle that are unbranded and of unknown ownership and are likely the progeny or offspring of cattle of known ownership but were born and survived in the wild and have become wild and difficult to manage or dangerous to remove.

In regard to the unauthorized cattle, recent issues have developed on allotments that were re-configured and closed to livestock grazing in the mid-1990's. On closed allotments, there has been reduced permittee involvement in maintaining the common boundary fence line or removing unauthorized cattle compared to management actions taken prior to the mid-1990's.

The Arizona Department of Agriculture has been cooperative and supportive in providing assistance with removal of unauthorized cattle on federal lands. When the Forest Service awarded a contract to remove unauthorized cattle in 2019 (discussed below), we began discussions with the State and strategically planned how the State could support this effort.

**Unauthorized Cattle Removal:**

On June 27, 2019, the Center for Biodiversity submitted a notice of intent regarding adverse impacts to a T&E species, the New Mexico meadow jumping mouse (NMMJM) from stray horses, cattle, and elk. The ASNF was successful in acquiring funding from the Regional Office to support a contract for the removal of unauthorized cattle in areas of concern.

On September 27, 2019, the Forest awarded a contract, and beginning in November and continuing through December until heavy snowfall precluded further operations, the contractor removed 29 head of unauthorized cattle in the area of the Black River including Boggy, Centerfire, and Wildcat creeks where occupied or critical habitat was identified for the NMMJM. Twelve of the twenty-nine head were branded and of those only two belonged to forest permittees, the remaining 10 were cattle belonging to the White Mountain Apache Tribe.

Removal of unauthorized cattle continued in the spring of 2020 beginning in May when snowpack melted and allowed access back into this high elevation area. Range personnel and the contractor inspected the Black River area and did not observe any sign of unauthorized cattle following the removal efforts last fall in the area of the Centerfire, Boggy, and Wildcat Creek but during their inspection they found cattle sign south of the area and 14 head were removed. Three



of the 14 bore brands belonging to FS permittees, the other 11 were unbranded or maverick cattle of unknown ownership.

As of July 27, 2020, an additional 15-20 head of unauthorized cattle have been observed in the vicinity of Centerfire and Wildcat Creek and the Forest is in conversations with the contractor and the White Mountain Apache Tribe to have these animals removed. As of August 5, the tribal ranch manager has successfully removed nine of the 15-20 head bearing their reservation brand. The contractor is planning to remove the remaining unauthorized cattle beginning August 14. The recent unauthorized cattle observed are due to dead trees burned during the 2011 fire or affected by disease that have fallen across the fence and reservation/FS common boundary gates not being closed, allowing cattle, horses, and wildlife to cross back and forth.

**Contract Amendment:**

The contract was awarded in 2019 and was initially just a one-year contract that would expire in September 2020. The Forest has been working with the Contracting Officer to extend the contract for one more year. The Forest is adding additional funding to the contract to support the success and movement forward in continuing to remove unauthorized cattle.

**University of Arizona Monitoring:**

The Forest has an agreement with the University of Arizona, which has been conducting monitoring in the area of Centerfire, Wildcat, and Boggy Creek since 2017 due to concerns of resource use/damage caused by all animals and potential effects to listed T&E species.

Preliminary results indicate unauthorized livestock (horses and cattle) have been the major cause of the streambank trampling and unstable soils due to the heavy use of the herbaceous vegetation. Unauthorized livestock currently account for approximately 75-80% of the forage consumption based on this on-going study; their observations indicate elk use was less than 20%. The unauthorized livestock are predominately livestock that are coming across the reservation boundary fence and include both cattle and horses. They are also include maverick or unbranded cattle of unknown ownership.

In response, the Forest has been removing unauthorized cattle and that effort will help reduce adverse impacts in areas of concern identified.

**Range Infrastructure:**

Fence lines have been inspected and maintained along the common boundary fence the Forest shares with the Fort Apache Indian Reservation where the fence was reconstructed following the 2011 Wallow Fire. The Forest reconstructed approximately 14 miles of fence from Reservation Lake south to the Black River since the fire and range personnel have been maintaining it annually since the fire.

Prior to reconstruction the Forest range personnel were observing cattle trailing back and forth across the fence line. Following reconstruction this trailing has stopped and we are observing less adverse unauthorized cattle impacts across the Reservation, Hayground, West Fork, and Sprucedale-Reno allotments. Unauthorized livestock impacts continue when dead trees fall on

the fence or gates are left open, but these impacts today are isolated as a result of fence reconstruction and increased monitoring

Prior to the 2011 Wallow Fire, many of the fence lines were reconstructed in the mid 1960's following a severe winter. Since that time the fence lines have been maintained but as they age, the maintenance becomes increasingly more difficult. With reconstruction following the fire, the fence lines are now more functional and require minimal maintenance as compared to pre-2011 fire conditions.

This summer, additional areas have been inspected for fence functionality and we are currently working on utilizing additional funds recently secured from our Regional Office to conduct heavy maintenance or reconstruction in priority areas where unauthorized livestock (horses and cattle) have been observed crossing back and forth across the common boundary fence.

The area of focus has been both north and south of the reconstruction efforts previously identified along the common boundary fence. Reconstructing the fence where the gaps or holes are allowing unauthorized access will help reduce adverse impacts from unauthorized livestock.

#### **Exclosure Monitoring:**

Forest range and wildlife personnel have been conducting additional fence exclosure monitoring and maintenance since May, 2020. Our seasonal workforce, which usually helps with compliance monitoring and noxious weed control, has been shifted to conduct more exclosure monitoring and maintenance this year.

The permittees have also been contributing in increased monitoring/maintenance of exclosure fencing and removal of unauthorized cattle when found.

#### **Unauthorized Horses:**

The Forest has continued to work collaboratively with the Tribe and permittees to remove unauthorized cattle on the ASNF. However, the presence of unbranded horses has continued to increase on the Forest and appears to put greater pressure on resources than that of unauthorized cattle. In 2014, the Forest conducted an aerial survey and observed approximately 300 horses. Research suggests that their population grows around 20-25% each year, while unauthorized cattle populations have not increased as quickly. These unbranded horses are not authorized by grazing permit, but it is not yet clear whether they may be managed as unauthorized livestock or whether they qualify as wild under the Wild, Free-Roaming Horses and Burros Act of 1971. A separate memo to the file discusses the horses.