

Glenwood Ranger District

Gila National Forest

ANNUAL OPERATING INSTRUCTIONS

2008

Deep Creek Allotment #426

Prepared By: _____ Date: _____
District Range Staff

Approved By: _____ Date: _____
District Ranger

Agreed to By: _____ Date: _____
Permittee

Annual Operating Instructions

I. INTRODUCTION

George Douds met with you on December 06, 2007, to discuss management of the Deep Creek Allotment during the 2007 grazing year and to plan grazing management for the upcoming 2008 grazing season. These Annual Operating Instructions are the result of that discussion.

Term Permitted Livestock Numbers

| Number and class of livestock | Dates |
|-------------------------------|---------------|
| 205 Cattle-Cow/calf | 03/01 – 02/28 |
| 8 Horses-Saddle | 03/01 – 02/28 |

Deep Creek Allotment Annual Authorization for 2008

| Number and class of livestock authorized | Dates Authorized |
|--|---------------------|
| 205 Cattle-Cow/calf | 03/01/08 – 02/28/09 |
| 8 Horses-Saddle | 03/01/08 – 02/28/09 |

Deep Creek Allotment Pasture Rotation

| Class of Livestock | Rotation Date | Pasture |
|--------------------|---------------------|-----------------------------------|
| Cow/Calf | 03/01/08 – 05/15/08 | Lost Lake/Round Mountain Pastures |
| Cow/Calf | 05/16/08 – 10/20/08 | Bearwallow Pasture |
| Cow/Calf | 10/21/08 – 02/28/09 | Lost Lake/Round Mountain Pastures |
| Cow/Calf | 09/01/08 – 02/28/09 | Mesa Holding (Hospital & Holding) |

The above schedule for stocking the allotment depends upon the availability of forage and water. Some flexibility in the above pasture rotation dates will be allowed for justifiable causes such as weather conditions, livestock management needs, and range conditions. If there is a need to deviate from the above pasture rotation schedule by more than 15 days, you must notify the District Ranger of the proposed change in the pasture rotation date and the reason for the change. A deviation from the above schedule of more than 15 days must be approved by the District Ranger verbally or in writing. The District Ranger must be notified 5 days prior to the time livestock enter or leave the Forest if the placing on or removal of livestock is not planned in the above schedule, and more than 10 head are being moved.

II. MANAGEMENT OF LIVESTOCK

You are responsible for monitoring water availability and forage utilization. It is your responsibility to move your livestock when sufficient water is no longer available or when proper forage utilization is achieved in a pasture. You are responsible for keeping track of and maintaining control of your livestock. In the event your livestock are found to be out of the scheduled pasture, you will be required to find, gather, and return your animals to the proper pasture as soon as possible.

The history of poor fence maintenance by your neighbors does not relieve you of the responsibility to keep your livestock on the Deep Creek Allotment.

III. IMPROVEMENT MAINTENANCE

All range improvements assigned in the 10-year Term Grazing Permit are to be maintained in a functioning condition. In the event these improvements cannot be brought up to a functioning condition, you should notify this office so we can schedule them for reconstruction as funds become available.

Your diligent in maintaining your allotment boundary fences with the Reserve Ranger District is appreciated. In a recent inspections fence #003105 in Deep Creek was non-functional. The Copper Creek Permittee cannot stock this allotment until the fence has been verified as cow tight. Please maintain fence by April 18, 2008.

Furthermore the Copper Creek Permittee must maintain and/or reconstruct his portion of #003105 between Claremont and Bearwallow Lookout before June 1, 2008. His cattle will not be authorized in the Bearwallow Pasture until the entire fence has been verified as cow tight. Your portion of the fence also needs to be maintained and/or reconstructed before June 1, 2008.

The district office is offering ½ mile of fence materials for the reconstruction of allotment boundary fences that are beyond repair. All fence materials provided by the district must be utilized for total reconstruction only and not maintenance. Please come into the district office and designate the portion of fence you wish to rebuild to sign your permit modification.

You may apply for a free use post and stay permit for the maintenance of fences and corrals on your allotment.

IV. GENERAL INSTRUCTIONS

1. Fire: Branding and warming fires should be used with good judgment - not on windy days or during times when fires are specifically restricted. The Glenwood District may allow naturally ignited fires to burn on the district this coming year. We will notify you if we plan to let a fire burn on your allotment.

2. Records: In order to close out permit modifications you must provide documentation of materials and labor constituting your contribution to the permit modification.

You must provide documentation of cattle numbers; dates of entering and leaving pastures, shipping dates and cattle losses (grown stock and calves). This information is used to substantiate the carrying capacity of the allotment. The information demonstrates use and the need for forage to meet the economic needs of the county. This information may also be used to establish cause and effect if there is a significant change in calf crop (Example, a wolf pack becomes established near your allotment).

3. Heavy Equipment Use: Please notify district well in advance of any plans to use heavy equipment so that necessary clearances and/or permits can be obtained. You will be notified by the district when you can proceed.

4. Credit/Refund: Any credit or refund applications for grazing fees must be made as far in advance as possible. Credit/Refund applications are not retroactive and will be approved only if the District Ranger is notified of livestock removal, prior to, or at the time, the livestock are taken off the allotment. **You will be required to provide your Social Security or Tax ID number in order for a refund to be processed.**

A \$25 administrative fee will be charged for any additional bills for collection that are sent to you due to either late payment or for split billing on seasonal allotments. This fee will be collected to pay for the cost associated with issuing an additional bill for collection. There is no administrative fee for the normal "split billing" on yearlong allotments.

It is necessary for you to write the bill number on your check prior to submitting it to the lockbox. This is necessary to insure that your payment is credited to your account.

5. Short Age Calf Policy: Any short-aged calves (calves less than 6 months old on December 31) must be removed from the National Forest by April 1, or you will need to apply for and pay grazing fees for these animals from April 1 to the time they are removed from the National Forest. Calves that are 6 months old or older on December 31 need to be paid for starting January 1.

6. Salting and Supplemental Feeding:

- a. Feeding of energy supplements on National Forest land will not be permitted unless a proven need to use the supplements is shown, and a detailed plan is developed and approved.
- b. Feeding of hay on National Forest land will not be permitted unless a proven need to use the supplement is shown, and a detailed plan is developed and approved. All supplemental hay must be **certified weed free** hay and you must provide the proper documentation.

- c. Feeding of vitamin or mineral supplements, protein blocks or molasses licks on National Forest land is permitted when used in the same manner as salt.
- d. Salting practices will be in agreement with the 10-Year Term Grazing Permit. Salt will be placed in areas of available feed to help draw cattle to them. Salt will not be placed within ¼ mile from water and/or in natural concentrations areas which receive heavy grazing use.

V. ALLOTMENT STATUS

The Deep Creek Allotment is currently going through the environmental analysis process. Until the analysis process is complete (September, 2008), management direction will be provided in these Annual Operating Instructions.

VI. OTHER ITEMS DISCUSSED

You indicated that you are in favor of Fire Use on your allotment. The District Ranger will authorize necessary changes to this AOI to accommodate fire management.

Since wolves have been off and on your allotment all year the Fish and Wildlife Service is providing hay to feed to cows that are calving. You stated that you would be feeding the hay on your private land and asked if allowable use could be increased in the holding pastures around your land.

The maximum allowable use in the Mesa Holding Pasture, Copper Creek Holding Pasture and Headquarters Holding Pasture is set at heavy (51-60%). Use at this level can occur on a limited basis over time but to avoid long term damage the recovery period will need to be increased. If you need to continue to feed on your private land the next grazing season a rotation grazing system will need to be instituted.

The following documents your statements regarding the effects of wolves to your ranching operation,

- You experienced more missing/lost calves (approximately 20) than was normal before wolf packs established on the allotment.
- Since the wolf program began there have been 8 investigations of depredation. These resulted in 1 confirmed wolf kill that you were compensated for and 7 probable wolf kills that you were not compensated for.
- You are trying confined calving this year. You identify and haul cows close to calving to private land where you feed hay (part donated by FWS) and keep in holding pastures until calves are born and ready to return to allotment. You expressed concern that these calves are still small enough to be preyed upon since wolves have been documented to take down a 600 pound animal. Other problems related to confined calving include: you have lost more calves than usual to accidents and disease (related to confinement) and the holding pasture are receiving too much use even though cattle are fed on private land. This heavy amount of use within the holding pastures can not be sustained over the longer term without permanent damage to the range and soil resources.
- You are choosing to sell calves early so they will not be eaten by wolves and to pay bills. This reduces your income since smaller calves bring in less money.
- You typically ride the allotment 4-5 days a week. Prior to wolves you would check the condition of range resources and cattle, moving the cattle to distribute use and make better use of forage. Now your riding time is spent using radio telemetry to track wolves and trying to find wolf kills. There is little time left to manage cattle and range resources.
- You can no longer take the dogs to help gather cattle for fear of wolf attack.
- Your 2007 income has been reduced by 40%
- Sleepless nights and mental anguish are taking a toll on your mental and physical health

VII. SPECIAL MANAGEMENT CONCERNS

Keep track of conditions on your allotment and make plans to reduce or remove livestock if vegetative/watershed conditions could be substantially harmed due to continued grazing. The forecast for the upcoming spring is dry and warm. If dry conditions continue through the summer growing season, a reduction in herd size may be recommended. If the herd size is reduced, restocking of the allotment to full numbers will not take place until forage plants regain vigor.

With the increase allowable use in the holding pastures it is imperative that cattle be moved as soon as allowable use is reached. Prior to reaching allowable use in the third holding pasture, contact district personnel so that other options can be implemented.

VIII. Utilization Monitoring of Key Areas

Monitoring results for 2007

| Pasture | Monitoring Date | Actual Use | Allowable Use | Key Area |
|----------------|-----------------|------------|-----------------------|--|
| Mesa Holding | 05/02/07 | 30% | Conservative (31-40%) | P2 |
| Mesa Holding | 05/02/07 | 60% | Conservative (31-40%) | South of P2 and use had been addressed at an earlier monitoring date |
| Round Mountain | 05/02/07 | 20% | Conservative (31-40%) | C4 |
| Lost Lake | 05/02/07 | 10% | Conservative (31-40%) | Lost Lake Mountain |

Monitoring Schedule for 2008

| Pasture | Monitoring Date | Allowable Use | Key Area |
|-----------------------|----------------------|-----------------------|--|
| Lost Lake | 05/20/08 | Conservative (31-40%) | C1, C5, and other areas associated with livestock concentration. |
| Round Mountain | 05/20/08 | Conservative (31-40%) | C4 and other areas associated with livestock concentration. |
| Bearwallow/Gooseberry | 10/23/08 | Conservative (31-40%) | To be determined with Permittee |
| Mesa Holding | 05/20/08 12/09/08 | Heavy (51-60%) | P2 & near the East and West Gates |
| Copper Creek Holding | 05/20/08 | Heavy (51-60%) | Entire Pasture |
| Headquarters Holding | 05/20/08 | Heavy (51-60%) | Entire Pasture |

Monitoring of herbaceous forage will be conducted by ocular estimate of use within a pasture (utilization mapping). Verification of ocular estimates will be conducted using common methodology such as weigh/clip, grazed plant numbers, or stubble height. Grazing use will be described and mapped in the following utilization categories.

| Qualitative Grazing Intensity Category | Use of Forage by Weight | Qualitative Indicators of Grazing Intensity |
|---|-------------------------|---|
| Light to no-use | < 30% | Only choice plants and areas show use. There is no use of poor forage plants. |
| Conservative | 31-40% | Choice forage plants have abundant seed stalks. Areas more than a mile from water show little use. About on third to one half of primary forage plants show grazing on key areas. |
| Moderate | 41-50% | Most of accessible range shows use. Key areas show patch appearance with one half to two thirds of primary forage plants showing use. Grazing is noticeable in zone 1-1.5 miles from water. |
| Heavy | 51-60% | Nearly all primary forage plants show grazing on key areas. Palatable shrubs show hedging. Key areas show a lack of seed stalks. Grazing is noticeable in areas over 1.5 miles from water. |
| Severe | 61 +% | Key areas show a clipped or mowed appearance (no stubble height). Shrubs are severely hedged. There is evidence of livestock trailing to forage. Areas over 1.5 miles from water lack stubble height. |
| Holechek, J.L. and D. Galt. 2000. Grazing Intensity Guidelines. Rangelands 22(3), pg 11-14. | | |

If the utilization guideline for the pasture is exceeded on 30% or more of the pasture in any year, livestock will be immediately removed from the pasture. Within a pasture, areas found to exceed allowable use will become key areas for monitoring the following year. The AOI for the next year will be adjusted to correct livestock management practices (distribution, number, timing, salt and water availability, etc.) that may have led to the overuse.

In the event that 30 percent or more of the pasture exceeds the set allowable use in a grazing year, that area will be required to be less than or equal to allowable use the next year. If that same area, or a substantial portion of the same area, exceeds allowable use in two consecutive grazing years the entire pasture will be rested for one calendar year and stocking will be adjusted to balance with forage supplies. If the same area of a pasture exceeds allowable use in two years out of five, the stocking rate and management plan will be adjusted to balance with forage supply.

Monitoring of utilization on woody riparian will be conducted in the areas below and concurrently with the associated pasture. (See Table Below)

| Pasture | Reach description | Management | Allowable Use |
|----------------|---|----------------------------|--|
| Bearwallow | Deep Creek within the Bearwallow pasture. | Grazed 05/16/07 – 10/20/07 | Riparian woody not to exceed 25% heavily hedged. |
| Round Mountain | Deep Creek within the Round Mountain pasture. | Grazed 03/1/07 – 05/15/07 | Riparian woody not to exceed 25% heavily hedged. |
| Round Mountain | Devils Creek within the Round Mountain pasture. | Grazed 03/1/07 – 05/15/07 | Riparian woody not to exceed 25% heavily hedged. |

If allowable use is exceeded on 30% or more of the riparian reach within the pasture, livestock will be removed from the pasture. If that same reach, or a substantial portion of the same reach, exceeds allowable use in two consecutive grazing years the entire pasture will be rested for one calendar year and stocking will be adjusted to prevent overuse of the riparian reach. If the same reach of a pasture

exceeds allowable use in two years out of five, the stocking rate and management plan will be adjusted to prevent overuse of the riparian reach.

If unforeseen operational conditions require a change in the management specified in this AOI please contact rangeland management personnel at the Glenwood Ranger District to obtain approval of change(s). Advanced notice of change is requested so that field inspections can be conducted. Verbal approval of changes will be followed with a letter documenting the change. Failure to follow the instructions provided in this AOI, or other instructions (verbal or written) of a Forest Officer may lead to adverse action against your Term Grazing Permit (Part 1, Section 3 of your Term Grazing Permit).

IX. APPEAL RIGHTS

This Annual Operating Instruction decision is subject to administrative review, pursuant to 36 CFR 251; and any appeal of this decision must be fully consistent with 36 CFR 251.90 (see attached copy of 36 CFR 251 regulations). In accordance with 36 CFR 251.84, if you file an appeal, I am willing to meet with you to discuss any concerns you may have with my decision. If you file an appeal, you may request an oral presentation in the appeal or at any time prior to closing of the appeal record (36 CFR 251.97). Additionally, if you file an appeal, you may request a stay of my decision in the appeal or at any time prior to closing of the appeal record (36 CFR 251.91).

A notice of appeal must be filed with **Richard E. Markley, Forest Supervisor, 3005 E. Camino del Bosque, Silver City, NM 88061**, within 45 days of the date of this decision. A copy of the notice of appeal must be filed simultaneously with **Pat Morrison, District Ranger, Glenwood Ranger District, P.O. Box 8, Glenwood, NM 88039**.

Open and positive communications dealing with these or any other concerns is encouraged. Feel free to contact George Douds or Pat Morrison if you have any questions or problems. We will be happy to discuss allotment management, conditions on your allotments, Forest Plan standards and guidelines, or any other concerns you may have.

TITLE 36 - - PARKS, FORESTS, AND PUBLIC PROPERTY

CHAPTER II - - FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 251 - - LAND USES - - Table of Contents

Subpart C - - Appeal of Decisions Relating to Occupancy and Use of National Forest System Land

Sec. 251.90 Content of notice of appeal.

- (a) It is the responsibility of an appellant to provide a Reviewing Officer sufficient narrative evidence and argument to show why a decision by a lower level officer should be reversed or changed.
- (b) An appellant must include the following information in a notice of appeal:
 - (1) The appellant's name, mailing address, and daytime telephone number;
 - (2) The title or type of written instrument involved, the date of application for or issuance of the written instrument, and the name of the responsible Forest Service Officer;
 - (3) A brief description and the date of the written decision being appealed;
 - (4) A statement of how the appellant is adversely affected by the decision being appealed;
 - (5) A statement of the facts of the dispute and the issue(s) raised by the appeal;
 - (6) Specific references to any law, regulation, or policy that the appellant believes to be violated and the reason for such an allegation.
 - (7) A statement as to whether and how the appellant has tried to resolve the issue(s) being appealed with the Deciding Officer, the date of any discussion, and the outcome of that meeting or contact; and
 - (8) A statement of the relief the appellant seeks.
- (c) An appellant may also include one or more of the following in a notice of appeal: a request for oral presentation (Sec. 251.97); a request for stay of implementation of the decision pending decision on the appeal (Sec. 251.91); or, in those States with a Department of Agriculture certified mediation program, a request for mediation of grazing permit cancellation or suspensions pursuant to Sec. 251.103.

[54 FR 3362, Jan. 23, 1989; 54 FR 13807, Apr. 5, 1989, as amended at 54 FR 34510, Aug. 21, 1989;

64 FR 37846, July 14, 1999]