



File Code: 2210

Date: December 12, 2003

Three-Up Outfit
Devins Gust

Dear Mr. Gust,

This letter will serve as your Annual Operating Instructions (AOI's) for the 2004 grazing year. In addition, this letter is to document actions that need to be taken this year to keep the Forest Service and this allotment in compliance with previous commitments from environmental assessments, allotment management plans and guidelines and recommendations for wildlife and plant species, that are threatened or endangered.

The Annual Operating Instructions are a part of the Term Grazing Permit as provided in Part 2, Section 8. They comply with the standards and guidelines found in the Forest Plan, including the 1996 Forest Plan Amendment. It also complies with the Endangered Species Act as found in the Biological Assessment and/or on-going grazing consultation for this allotment. Any additional information collected during the year may be incorporated into the Annual Operating Instructions.

Permitted numbers are 80 cow/calf from 3/1 to 2/28, and includes 3,292 acres.

2004 Objectives: Continue your management, to rotate pastures as needed, to meet the use levels described in the following section and to continue the upward trend in range and watershed conditions. We appreciate your management and the work you have already done in improving these conditions.

Number of head authorized	Pasture	Time Frame	Comment
22	West/East	3/1-2/28	Rotates as utilization levels are achieved.

Minimum Stubble Height Requirements and Monitoring:

The district will schedule a day with you in February to train you in monitoring by using minimum stubble height methods and select key areas on your allotment.

Minimum stubble height requirements are based upon the concept that specific plants in specific areas can tolerate a given amount of herbage removal. To meet the ecological objectives of the allotment, grazing pressure should be removed when minimal stubble-height requirements are reached (Krueger1998). Stubble height will be measured in the key monitoring areas shown



below for the Tennessee Allotment. The scheduled rotation, grazing season, and livestock numbers are indicated in Section I of these Annual Operating Plan/Instructions. Adherence to minimum stubble height requirements *is mandatory and should be the limiting factor* in adjusting grazing management. Adjustments in numbers, rotation schedule, or season of use will be made if minimum stubble height requirements are met. Cattle will be moved to the next scheduled pasture or off the allotment when minimum stubble height requirements are met. The option to return livestock to a pasture that has received adequate plant re-growth will be considered if all resource objectives can be met.

The minimum stubble height requirements set for the Tennessee Allotment will be **2.5 inches on Blue grama** grasses during the growing season (May 1 through Sept 30) and **2.0 inches on Blue grama** grasses during the dormant season (October 1 through April 30). Holechek and Galt's Grazing Intensity Guidelines can be used to draw correlations between qualitative utilization categories, forage use by weight and average stubble height measurements (Holechek and Galt 2000). A minimum stubble height of 2 - 2.5 inches on Blue grama correlates to 31 – 40% utilization. The minimum stubble heights will be monitored in key monitoring areas that are established in collaboration by you the permittee and Forest Service Personell:

Range improvements on your allotment need to be maintained to proper Forest Service standards. A complete list of these improvements is listed in your grazing permit

These Instructions are subject to administrative review, pursuant to 36 CFR 251; and any appeal of these Instructions must be fully consistent with 36 CFR 251.90 (see enclosed 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 Instructions. 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 Instructions 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 Marcia R. Andre, Forest Supervisor, Gila National Forest, 3005 E. Camino del Bosque, Silver City, New Mexico, 88061-7863, within 45 days of the date of these Instructions. A copy of the notice of appeal must be filed simultaneously with Jacqueline A. Buchanan, Acting District Ranger, Glenwood Ranger District, P. O. Box 8, Glenwood, New Mexico, 88039-9704.

If you have any questions or concerns please feel free to contact the district range personel at 539-2481.

Sincerely,

JACQUELINE A. BUCHANAN
Acting District Ranger

Date

I have reviewed and agree with these Annual Operating Instructions.

Permittee

Date

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 Lands

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]