Glenwood Ranger District

Gila National Forest

ANNUAL OPERATING INSTRUCTIONS

2009

Copper Creek Allotment #412

Prepared By: _____ **Date:** _____
District Range Staff

Approved By: _____ **Date:** _____
District Ranger

Annual Operating Instructions

I. INTRODUCTION

Pat Morrison met with you on November 18, 2008, to discuss management of the Copper Creek Allotment during the 2008 grazing year and to plan grazing management for the upcoming 2009 grazing season. These Annual Operating Instructions are the result of that discussion.

Term Permitted Livestock Numbers

Number and class of livestock	Dates
80 Cattle-Cow/calf	03/01 – 02/28

Copper Creek Allotment Annual Authorization for 2009

Number and class of livestock authorized	Dates Authorized
80 Cattle-Cow/calf	03/01/08 –2/28/09

Copper Creek Allotment Pasture Rotation 2009

Class of Livestock	Rotation Schedule	Pasture
Cow/Calf	11/18/08 – 12/31/08	Silver & Stout Mesa Pastures
Cow/Calf	01/01/09 – 02/28/09	Bearwallow Pasture
None	Rest for recovery	Indian Creek Pasture

Above scheduled rotation is contingent upon completion of all assigned fence maintenance and verification that pastures are cow tight with fences maintained to standard.

Since you are out of grass in Stout Mesa and Silver Peak Pastures by the end of the year, you may place livestock within the Bearwallow pasture. Placement of livestock in Bearwallow pasture is at your risk, since the exterior boundary fences are known to not be cow tight. You are to continue bringing fences assigned to you for maintenance up to standard. I have planned a contract to reconstruct the portion of fence between Copper Creek and Deep Creek Allotments where the BS fire burned. However, use of the Bearwallow pasture is still contingent upon keeping your cattle on Copper Creek Allotment. The three strike rule (agreed to in mediation) will again apply to incidences of unauthorized livestock on Reserve Ranger District.. Livestock are also not allowed within the reconstructed exclosure at Lower Bearwallow within Bearwallow pasture.

If any one key area in a pasture being grazed by livestock exceeds utilization on the uplands or heavy hedging of woody riparian plant sprouts/seedlings becomes apparent, livestock will be moved to another area of the pasture where actual use is less than allowable use (i.e., Upper and Lower Bearwallow within the Bearwallow pasture). In the event livestock continue to return to areas that have previously met or exceeded allowable use levels, livestock will be required to be moved to the next scheduled pasture. If forage has not recovered in Stout Mesa and Silver Creek pastures, cattle may have to be removed from the allotment. This requirement is necessary to prevent overuse on forage plants.

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. Failure to maintain control of your livestock may lead to adverse action against your Term Grazing Permit.

On 10/20/2006, as part of the Mediation Agreement, it was agreed by you and the Forest Service that a three-strike rule is in place regarding unauthorized cattle in the Indian Creek Pasture and on the Reserve Ranger District. You must keep your cattle on Copper Creek Allotment. Failure to graze cattle in authorized locations

and times and failure to maintain assigned range developments to standard constitute non-compliance with the terms and conditions of your Term Permit.

III. IMPROVEMENT MAINTENANCE

All range improvements assigned in the 10-year Term Grazing Permit should 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. You may apply for a free use post and stay permit for the maintenance of fences and corrals on your allotment. Poor fence condition due to lack of maintenance has been cited by you as the cause of cattle grazing in locations not authorized by your permit. It is critical that you bring all fences to functional condition this year. Even thought past poor fence maintenance has been a longstanding problem, you have assured me that you can keep your livestock within the Bearwallow Pasture this year

District personnel completed the reconstruction of the Lower Bearwallow exclosure fence in 2007. Maintenance of this exclosure fence is now assigned to you. Livestock use of this exclosure is not authorized.

Reconstruction of approximately 2 miles of fence # 003105 between Deep Creek and Copper Creek allotments damaged by the BS Wildfire in 1998 is scheduled for reconstruction under contract this year. The fence will be reconstructed to standard and the right-of-way cleared of standing and dead trees and brush. .

Any gaps/trails in the bluffs that constitute your southern exterior boundary with Mineral Creek must be "plugged" so that cattle can not stray into Mineral Creek.

Those portions of fence formerly belonging to the Mogollon Allotment are assigned to you for maintenance until further notice.

You have made some progress in maintaining your assigned boundary fences. Please continue to keep these fences in good repair.

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 manage naturally ignited fires as Wildland Fire Use fires where such fires would meet resource objectives. You will be notified if a fire use fire is expected to affect Copper Creek Allotment.

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

   e. **No salt may be placed within 0.25 mile of areas of special management concern.**

V. ALLOTMENT STATUS

The Allotment Management Plan (AMP) on this allotment is in need of update to meet Forest Plan Standards and Guidelines. At the present time, direction for management on this allotment will be documented in these Annual Operating Instructions. The scheduled date for completing National Environmental Policy Act (NEPA) assessment and a decision for the allotment is 2009-2010. An AMP will be developed to implement the decision. .

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.

VII. SPECIAL MANAGEMENT CONCERNS

No livestock are authorized within the Bearwallow exclosure. The following areas are of special management concern:

- Bearwallow Park.
- Waterman Spring
- Copper Creek
- Mineral Creek Riparian area.

These areas have typically received heavy use in the past. No salting is permitted within ¼ mile of these locations. You are expected to monitor use and move cattle when use is approaching allowable levels. These areas are considered critical habitat areas. Use will be monitored in these areas to prevent damage by livestock over use. This will be especially critical this year since all livestock will be in Bearwallow Pasture.

No livestock are authorized in the Indian Creek Pasture this grazing season. If cattle bearing your brand are found in the Indian Creek Pasture there may be adverse action taken against your permit.

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 winter and 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 allotments to full numbers will not take place until forage plants regain vigor.

VIII. Utilization Monitoring of Key Areas

Monitoring results for 2008 on the Copper Creek Allotment

Pasture	Monitoring Date	Actual Use	Allowable Use	Key Area
Indian Creek	06/05/08	10%	0%	C1
Silver Peak	06/05/08	30%	Conservative (31- 40%)	C6
Stout Mesa	06/05/08	30%	Conservative (31- 40%)	C4
Bearwallow	06/05/08	30%	(0%)	Meadows

Monitoring Schedule on the Copper Creek Allotment for 2009

Pasture	Monitoring Date	Allowable Use	Key Area
Stout Mesa & Silver Peak	4/30/09	Conservative (31- 40%)	C4
Holding 1 & 2 (Claremont)	11/15/09 and periodically	Conservative (31- 40%)	Entire Pasture
Bearwallow	11/15/09	Conservative (31- 40%)	C3, Upper & Lower Bearwallow
Indian Creek	periodically	0%	C1, C2

Special management concern areas will be monitored periodically during the time cattle are scheduled to be in or adjacent to the area.

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 form 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
Indian Creek	All of Indian Creek drainage.	Rest this year	0%
Bearwallow	Copper Creek within the Bearwallow & Claremont Pastures.	Grazed 1/1/09 – 2/28/10	Not to exceed 25% woody riparian heavily hedged.
Bearwallow	Mineral Creek within the Bearwallow Pasture.	Grazed 1/1/09 – 2/28/10	Not to exceed 25% woody riparian heavily hedged.
Bearwallow	Park/meadow	Grazed 1/1/09 – 2/28/10	conservative
Silver Creek & Stout Mesa	Copper Creek within the Silver Creek & Stout Mesa Pastures.	Grazed to 1/1/09	Not to exceed 25% woody riparian heavily hedged.
Silver Creek & Stout Mesa	Mineral Creek within the Silver Creek & Stout Mesa Pastures.	Grazed to 1/1/09	Not to exceed 25% woody riparian 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 concerning all AOI content is encouraged. Feel free to contact George Douds or me if you have any questions or concerns.

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 La

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 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 reques 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]