

Glenwood Ranger District

Gila National Forest

ANNUAL OPERATING INSTRUCTIONS

2009

Holt Gulch Allotment #410

Prepared By: _____ Date: _____
District Range Staff

Approved By: _____ Date: _____
District Ranger

Annual Operating Instructions

I. INTRODUCTION

Pat Morrison met with you on December 8, 2009 to discuss management of the Holt Gulch 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.

As stated in the August 15, 2006 Revised Notice of Non-Compliance, you must maintain all livestock in the correct pastures and move cattle from pasture to pasture according to the schedule specified in this AOI. Failure to follow these AOI requirements will result in action taken to suspend or cancel a portion of your Term Permit without further notification of non-compliance. In June 2008, you received another Notice of Non-Compliance for failure to keep your livestock in the correct pastures. Pat Morrison met with you on July 21, 2008 to discuss this Notice of Non-Compliance. She amended the requirements to give you additional time to comply with moving livestock and completing fences since you were having difficulties completing the work or obtaining help.

Pat reviewed the monitoring results from 2007 and 2008 with you. These results found unacceptably high rates of utilization in Los Olmos, Shelton, York and the west side of Holt Gulch Pastures. I instructed you that livestock use of these areas would not be permitted until further notice as they need at least one full growing season to recover from the heavy use. You asserted that you would be able to keep your livestock, 111 cattle and 10 horses, in the east side (out of the soft bottom areas near the highway) of Holt Gulch Pasture and in Hunter/Goat Pastures for the entire grazing year. I reminded you that failure to keep livestock out of the heavily used areas would likely result in action against your permit.

Holt Gulch Allotment Term Permitted Livestock Numbers

Number and class of livestock	Dates
150 Cattle-Cow/calf	03/01 – 02/28
5 Horses-Saddle	03/01 – 02/28

Holt Gulch Allotment Annual Authorization for 2009

Number and class of livestock authorized	Dates Authorized
111 Cattle-Cow/calf	03/01/2009 – 02/28/2010
10 Horses-Saddle	03/01/2009 – 02/28/2010

Pat counseled you that stocking to 111 cattle would likely result in reaching allowable use rates prior to the end of the year. You stated that less than this number was not economical for you to run. You stated that you are willing to accept the risk that you will reach allowable use on all key areas prior to the start of the summer growing season and will remove cattle if so instructed.

Holt Gulch Allotment Scheduled Pasture Rotation 09

Class of Livestock	Scheduled Rotation Date	Pasture
Cattle/Horses	03/01/09 – 02/28/10	East side of Holt Gulch, Hunter/Goat, Deer Park
NONE	No Use - REST	York, Shelton, Los Olmos, Landfill, Holding and the west side of Holt Gulch (see map)
Horses	If fences repaired to standard, up to allowable use levels	Mesa (Whitewater)

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 if more than 10 head are being moved.

II. MANAGEMENT OF LIVESTOCK

As stated in the August 15, 2006 Revised Notice of Non-Compliance, you must maintain all livestock in the correct pastures and move cattle from pasture to pasture according to the schedule specified in this AOI. You must also refrain from supplying, or allowing water to be available, in the steel tanks as shown on the enclosed map. Due to the heavy use of the small pastures in 2008, it is imperative that you keep all livestock out of these areas during 2009.

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 or on a key area. 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.

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.

Range condition and trend data collection was begun in 2008. Range improvements will be inspected to determine functionality. Range water developments that are not functioning or are in need of heavy maintenance will not contribute to grazing capacity until they are functional. All of range improvements must be in functional at all times. The proposed re-alignment of the Shelton Canyon road is included in the Travel Management Plan.

The district has offered you fence material to reconstruct fences on your allotment. You have identified fences in need of reconstruction but have failed to complete the projects. Fences that do not require reconstruction are your responsibility to maintain to functional condition before livestock enter the scheduled pasture.

The pipeline systems in Goat, Deer Park, and Holt Gulch pastures must be maintained to a functional condition for the 2009 management plan to work. These pipelines are critical for livestock distribution in Goat and Deer Park pastures. You may apply for a free use post and stay permit for the maintenance and reconstruction 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. You may place salt near water or in corrals only after you have contacted district personnel and informed them of where the salt will be and how long the salt will remain.

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 of this allotment will be documented in these Annual Operating Instructions. Once the National Environmental Policy Act process is complete the AMP for this allotment will be updated.

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.

I understand that cattle move to a natural rhythm if allowed to. Instances of overuse on your allotment are the result of this natural movement. Rotations achieve better livestock distribution throughout the allotment by limiting and controlling natural movement. A grazing rotation also provides a recovery period for forage plants that is not achieved when cattle are in the same area at the same time every year.

VII. SPECIAL MANAGEMENT CONCERNS

The most important management concerns are to follow the instructions in the AOI and keep your cattle in the scheduled pastures of the Holt Gulch Allotment.

Last years monitoring results indicate that running 111 cattle in a fair precipitation year allowable use intensity was exceeded in Los Olmos, Shelton, York and the west side of Holt Gulch pasture.. You chose to stock to 111 even though past monitoring indicates that this number may not be sustainable without overuse. You must

monitor use to prevent overuse in localized areas. Typically Deer Park Pasture and the areas adjacent bear the brunt of use when cattle are stocked in Hunter/Goat Pasture. When use reaches allowable use levels in Deer Park Pasture, you must move cattle out of this pasture and keep them out until it has recovered.

The third management concern is the condition of the Holt Gulch range improvements. There is no question that you have invested a lot of time and money into maintaining improvements in the past, but there are still improvements in non-functional condition. Your Term Grazing Permit is issued and accepted with the provision that you will maintain these range improvements, whether private or Government-owned, to standards of repair, orderliness, and safety acceptable to the Forest Service. Inspections of range improvements will be conducted periodically to verify the condition.

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

VIII. Utilization Monitoring of Key Areas

Monitoring Schedule for 2008

Monitoring will be conducted periodically to verify compliance with stocking in assigned pastures and to verify use levels. Utilization will be monitored in spring, to estimate winter grazing intensity, and after the summer growing season, to determine annual utilization.

Allowable utilization for your allotment is set at a conservative level (31 – 40%). Conservative use is described as: choice forage plants have abundant seed stalks; areas more than a mile from water show little use; about one third to one half of primary forage plants show grazing on key areas. 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.

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. You are highly encouraged to participate in our monitoring of the Holt Gulch Allotment. There are no identified riparian areas within the Holt Gulch Allotment.

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.).

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 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]