Silver City Ranger District

Gila National Forest

ANNUAL OPERATING PROVISIONS

2009

BURRO MOUNTAIN ALLOTMENT #702

GILA RIVER ALLOTMENT #708

MANGAS/SILVERDALE ALLOTMENT #712

U Bar Ranch

Prepared By: /s/ Ricky H. Sedillo **Date:** 12/19/08,
District Range Staff

Approved By: /s/ Russ Ward **Date:** 12/19/08,
District Ranger

Agreed to By: /s/ David Ogilvie **Date:** 12/19/08,
Permittee

ANNUAL OPERATING PROVISIONS

I. INTRODUCTION

These Annual Operating Provisions are in reference to the discussion you had with Mike Head on December 19, 2008, at the Silver City Ranger District office. The permitted stocking for the 2009 grazing season on your Allotments is as follows:

BURRO MOUNTAIN ALLOTMENT

48 cattle	cow/calf	04/30/09 – 10/15/09	Willow Pasture
48 cattle	cow/calf	11/15/09 - 02/28/10	Iron Creek Pasture
52 cattle	cow/calf	03/01/10 - 05/31/10	Iron Creek Pasture

GILA RIVER ALLOTMENT

81 cattle	cow/calf	03/01/09-04/30/09	East Pasture
81 cattle	cow/calf	05/01/09-05/15/09	Bird Area Traps
60 cattle	cow/calf	10/15/09-02/28/10	West Pasture
60 cattle	cow/calf	10/15/09-02/28/10	East Pasture
60 cattle	cow/calf	03/01/10-04/30/10	West Pasture
60 cattle	cow/calf	03/01/10-04/30/10	East Pasture

- Fall turn on dates and numbers will be determined during the summer of 2008

MANGAS VALLEY/SILVER DALE ALLOTMENTS

140 cattle	cow/calf	12/01/08-03/30/09	Wildhorse Pasture
37 cattle	cow/calf	12/01/08-03/30/09	Saddle Rock Pasture
140 cattle	cow/calf	04/01/09-04/30/09	Saddle Rock Pasture
192 cattle*	cow/calf/bull*	05/01/09-06/15/09	Valley Pasture
192 cattle*	cow/calf/bull*	06/16/09-10/30/09	Silver Dale Pastures
176 cattle	cow/calf	11/01/09-02/28/10	Wildhorse Pasture

* cattle, cow/calf/bull in Valley, Harry's Fleming & Silver Dale under On/Off Provision.

- **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 need to immediately 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. 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. Failure to maintain control of your livestock could lead to adverse action against your Term Grazing 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.

The following improvements will be constructed/reconstructed in **2009**: **Reconstruct fence #7047. Reconstruct 2 miles of Forest Boundary Fence #7011 on the Gila River Allotment. Install Solar pump in River Water development #7520. Construct corrals in Pine Canyon.**

You are authorized as the permittee on these Allotment to cut and utilize juniper fence posts, various species of fence stays, and ponderosa pine, Douglas fir, true fir, spruce or aspen poles to maintain fences, corrals or other improvements on National Forest System lands within the allotment. This authorization allows cutting **__250_** corner post, and **_1500__** stays. Line posts are no larger than 6.5 feet in length and have a inch top diameter. Corner posts are no larger than 8 feet in length and have a 7-inch top diameter. Poles are limited to trees less than 9 inches in diameter at breast height (DBH). Stays may be cut from limbs from trees cut for posts or poles, sapling-size trees, down snags, or snags that have been designated by a Forest officer to be cut. You are authorized to use this material under 36 CFR 223.2(a), Free Administrative Use. This authorization is valid for the calendar year **2009**.

The following instructions must be followed when cutting any posts, poles or stays under this authorization:

1. Stumps should be no higher than 12 inches above the ground.

2. Slash should be lopped to within 24 inches of the ground and scattered.

3. Cutting and removal of posts, poles or stays should not be done when the soil moisture conditions would permit ruts to be cut.

4. No posts, poles, stays or by-products from them will be sold or used anywhere but on National Forest land within your allotment to maintain the range improvements assinged in your 10-year Term Permit.

5. All posts, poles or stays will be cut within your allotment unless another specific area is designated for cutting by the District Ranger.

Non-compliance with the instructions set forth in this authorization could lead to adverse actions taken against your Term Grazing Permit.

IV. GENERAL INSTRUCTIONS

1. Fire - branding and warming fires should be used with good judgement - not on windy days or during times when fires are specifically restricted. The Silver City District is planning to allow naturally ignited fires to burns on the district this coming year. We will notify you if we plan to let a fire burn on your allotment.

2. Records - please keep track of materials used, and the days and dollars spent on maintenance of improvements. It is also necessary to keep track of cattle numbers, dates of entering and leaving different pastures, shipping dates, and cattle losses (both grown stock and calves).

3. Heavy Equipment Use - written permission from the District Ranger will be required for any heavy equipment use on the National Forest. Examples of this are cleaning out stock tanks, road maintenance, etc.

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 number in order for a credit/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. There is no administrative fee for the normal "split billing" on yearlong allotments. This fee will be collected to pay for the cost associated with issuing an additional bill for collection. **In the future the opportunity for split billing may be discontinued.**

In the future it will be necessary for you to write the bill number on your check prior to submitting it to the lockbox. This has become 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. Predator Control - The private use of predator control devices or programs on National Forest land must be approved by the District Ranger prior to being carried out.

7. Salting and Supplemental Feeding - the following practices will be adhered to:

   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 vitamin or mineral supplements on National Forest land will be permitted if a detailed plan is approved, or if carried out in conjunction with salting.

   c. 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 in natural concentrations areas, which receive heavy grazing use.

V. ALLOTMENT STATUS

As we discussed at our annual permittee meeting, the Mangas Valley/Silverdale and Gila River Allotments were analyzed through the NEPA analysis process and a decision to implement updated management on these allotments was made. The updated management direction for these allotments is documented in the current Allotment Management Plan and these Annual Operating Provisions.

The Burro Mountain Allotment Decision Memo was signed September 4, 2007 and is not named in any of the pending lawsuits. The Allotment Management Plan on this allotment is in process of being updated to meet Forest Plan standards and guidelines. At the present time direction for management on this allotment will be documented in the Annual Operating Provisions.

VI. SPECIAL MANAGEMENT CONCERNS

On the Burro Mountain allotment continue current conservative grazing intensity guidelines that include wildlife use. The forage utilization guideline will be conservative use, which is defined by Holechek, et al, 1999 as having an average utilization of 31-40 percent as measured at the end of the growing season. In order to meet the resource objectives for the allotment it will be necessary to monitor grazing intensity levels, forage conditions and water availability while livestock are present in each pasture. When there are indications that livestock are concentrating In any part of a pasture or on special sensitive areas, action will be taken to reduce the potential impacts by moving the livestock to other portions of the pasture or to another pasture on the allotment.

On the Gila River and Mangas/Silverdale Allotments the following forage utilization guidelines (includes wildlife use) will be implemented to maintain residual herbaceous cover:

Percent slope	Maximum percent use of perennial grass
Less than 10%	45%
10% to 30%	20%
30% to 40%	10%
Greater than 40%	0%

Due to allowable use levels being set, depending upon slope, no single uniform key area will reflect all of the slope classes that need to be monitored. In order to have utilization monitoring samples that represent all slope classes, utilization monitoring will be conducted along line type transects that contains all classes of slope from 0% to over 40%. Data will be collected or utilization estimates will be made for each of the four slope class categories shown in the above chart. Utilization will be monitored in areas ¼ to ½ mile from key water sources, in areas that are being or have been grazed during the current grazing season.

It is very important that you do not exceed the allowable use in key areas. If, during the year, you feel that the utilization level is approaching the allowable use level, you will need to take some action to stop grazing the area. There are many actions that can be taken, such as pasture moves, locating your livestock on different waters, etc. We will work with you in order to insure that any actions you may take are appropriate and do not compound the problem. We will be making periodic range inspections to check on forage utilization levels and the effectiveness of your management efforts.

VII. APPEAL RIGHTS

These Annual Operating Provisions dealing with the Burro Mountain Allotment are 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 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 **Russell D. Ward, District Ranger, Silver City Ranger District, 3005 E. Camino del Bosque, Silver City, NM 88061.**

Open and positive communications dealing with these Annual Operating Provisions or any other concerns is encouraged. Feel free to contact Mike Head or Russell D. Ward if you have any questions or problems. They will be happy to discuss allotment management, conditions on your allotments, Forest Plan standards and guidelines, or any other concerns you may have.