



File Code: 2230-3

Date: April 14, 2003

Dear Mr. Maestas,

This letter constitutes the year 2003 Annual Operating Instruction (AOI) for the Chicoma Allotment. As discussed during our annual validation meeting February 24, 2003 it is my decision to delay entry on the Chicoma Allotment to July 1, 2003. In addition it is also my decision to initially authorize 50% of permitted numbers. We discussed this decision in depth at our April 4th, 2003 follow up meeting regarding this AOI. If conditions warrant, entry date and livestock numbers may be adjusted dependent on range readiness, current drought conditions, and condition of range facilities particularly fences. If resource conditions prior to permitted livestock turnout warrant a modification of entry date and livestock numbers, I have the discretion to rescind this decision and issue a different decision to reflect needed changes. I have issued this decision to inform the Chicoma permittees the worse case scenario and to allow ample opportunity for the permittees to make adjustments to their livestock operations.

This decision is based on past and current drought conditions and current range condition on the allotment. As you may be aware Range Improvement Taskforce in 2002 recommended complete removal of livestock in July of last year. Last years Range Improvement Taskforce Data indicated a low standing crop of forage in the allotment and a recommendation to remove all livestock from the allotment.

In our February 24 validation meeting in coordination with New Mexico Game and Fish (NMGF) we discussed a number of issues relevant to grazing on the Chicoma Allotment. Below is a list of key action items we agreed to work on prior to livestock entry on the allotment.

1. Locate key areas on the allotment using the following criteria:
 - a. Areas with forage production potential greater than 100 pounds/acre.
 - b. Greater than 100 yards away from fences, roads and trails.
 - c. On Forest Service administered lands.
 - d. Between ¼ to ½ mile from water.
 - e. On slope less than 15%.
 - f. Within the same range site and greater than five acres.
 - g. Areas considered having overlapping elk use.

As we discussed these key areas and associated monitoring cages and transects will be jointly identified and located in coordination with the Chicoma permittees, NMGF agency representatives, and Española Ranger District personnel.

In addition every attempt will be made to set these key areas in place, as soon as conditions allow. This will allow us to monitor elk use prior to livestock entry. Key areas at a minimum will be monitored monthly to assess elk use, current production and range readiness as we discussed at our validation meeting.

2. Evaluate criteria for livestock turnout during monitoring. We discussed and reviewed the following material during our validation meeting. These tools will assist us in ensuring appropriate livestock turnout. a) Range readiness standards for the Santa Fe National Forest (handout), b) Use of the Standardized Precipitation Index (handout) to identify current drought conditions, and c) inspection of allotment boundary fence particularly in areas that have had livestock drift in the Chicoma allotment. During our April 4th, 2003 follow up meeting we scheduled May 15th, 2003 to begin pre entry monitoring prior to the permitted entry date of June 1st. I appreciate your involvement concerning this.
3. Coordinate placement of Crystallex in upland areas of the allotment in an attempt to draw elk away from key areas. NMGF has committed to provide the mineral lick and air support to drop mineral licks in remote upland areas. As an example, the south-facing slope of Chicoma peak was discussed as a potential location. These mineral licks will be placed as soon as possible to attempt to draw elk, particularly cow elk away from key areas during the early spring period.
4. Reconstruct non-functioning fences in the allotment. I have directed Donald Serrano of my Staff to provide fence materials to the Chicoma permittees to reconstruct non-functioning fences that are part of your fence maintenance responsibilities on your term permit, but are beyond your ability to maintain due to their overall condition. Reconstruction of identified fences would occur under the permit modification process where the Forest Service would provide the materials and the permittees would provide transportation and labor in constructing these fences. In addition, NMGF has committed to provide PVC pipe for the top wire to minimize damage to fences when elk are crossing these areas. Functioning fences are critical to the long-term management of the Chicoma allotment. I appreciate the effort of the Chicoma permittees in maintaining their assigned fences as well as other sections of boundary fence not identified in your term permit.
5. If monitoring of key areas indicates significant elk use, NMGF is committed to removing elk from these areas. In order of priority NMGF discussed three methods: Evaluate effectiveness of mineral licks, use of pyrotechnic devices to scare elk, and as a last resort initiate predation hunts on elk in these areas. NMGF is very reserved about using this last method due to the possible public outcry of killing cow elk, particularly those that are pregnant or have calves during this time of the year. Subsequent discussions with NMGF indicate that predation hunts may not be allowed on federal lands under current regulations. However NMGF is committed to demonstrating their willingness to ensure parity between elk and livestock numbers.
6. Resolve the boundary issue between the Chicoma and Mesa del Medio Allotments within the Cañada de la Mora and Chihuahueros drainage. I have scheduled a meeting between the Española and Coyote Ranger Districts to investigate this boundary from a historical and legal standpoint in late March. As we discussed, it may be necessary to conduct a meeting at a later date with representatives from each allotment.

7. Continue to document and take action on unauthorized use by livestock not permitted on the Chicoma Allotment and take necessary administrative actions to prevent this situation from reoccurring, particularly from the adjoining Polvadera and Oso/Vallecitos allotments.
8. Assist permittees in requesting livestock use in the Valles Caldera during the spring non-use period. It should be noted however that the Valles Caldera Board of Trustees have sole authority in authorizing livestock use on the Caldera.

I. GRAZING SCHEDULE

Authorized Use on the Chicoma allotment is shown below for this decision.

PERMITTEE NAME	NUMBER OF CATTLE/SEASON OF USE					
	Permitted	Permitted season of use	2002 % actual use**	2003 authorized	2003 authorized season of use	2003 % authorized use**
Eloy Garcia	19	6/1 – 10/31	78	10	7/1 – 10/31	42
S&L Maestas	70	6/1 – 10/31	78	35	7/1 – 10/31	40
David Ortiz	14*	6/1 – 10/31	78	7	7/1 – 10/31	40
Ricardo Salazar	11	6/1 – 10/31	78	6	7/1 – 10/31	44
Henry Serna	29	6/1 – 10/31	78	15	7/1 – 10/31	42
Chicoma Livestock Association	9	6/1 – 10/31	78	5	7/1 – 10/31	44
TOTAL	152		78	78		42

* Pending Permit transfer from Johnny Borrego to David Ortiz

** Use is based on a combination of time and number of cattle. Odd numbers were rounded up.

Pasture schedule for the Chicoma Allotment is shown below for this decision.

PERMITTEE	NO. OF CATTLE	PASTURE	DATE
ALL	78	South slope Santa Clara Canyon	July 1 - July 30
ALL	78	Highline trail to Chicoma	August 1 – August 31
Maestas & Ortiz	19	Cañada de la Mora	September 1 – September 30
Garcia, Salazar, & Serna	59	Jarosito	September 1 – September 30
All	78	Lugar Bonito	October 1 – October 31

Current drought conditions may require that cattle be moved through the units quicker or removed from the allotment earlier than expected. This decision will be made in cooperation with you and based on the utilization for key species on agreed upon and field verified key areas. The District Ranger in coordination with grazing permittees may change the routing plan described above when unforeseen circumstances such as lack of water in pasture or over use within the pasture. The grazing association or the permittees can propose changes of pastures outside of the above routing plan in coordination with this office. The grazing association or permittees, should submit a written justification to this office or coordinate with Donald Serrano of my Staff if a routing plan needs to be changed. The decision made by the District Ranger will be based upon the condition of the range, recommendations of the range staff, and the needs of the permittees.

II. COUNTING AND TAGGING

Tag replacement is not scheduled for this year. As identified in your grazing permit the calf counter policy is “Any animal 6 months of age or older as of January 1 is considered a counter. Calves less than 6 months of age as of January 1 become counters on March 1. All weaned animals are counters regardless of age.”

III. EXCESS USE

As stated in Part 3 of your term grazing permit, “Livestock grazed in excess of the numbers, outside of the period use, or of a class or kind not authorized in the current Bill for Collection. When the annual application is approved, in whole or in part, livestock grazed in excess of authorized numbers must be removed from lands of the National Forest System. Grazing use by livestock in excess of that authorized in the current Bill for Collection is cause for cancellation and/or suspension of the permit in whole or part and must be assessed at the "unauthorized use rate”.

IV. UTILIZATION/MONITORING

The proper utilization of forage is a critical factor in livestock management on the Chicoma allotment. As discussed earlier monitoring will be scheduled regularly to insure that utilization levels are within recommended levels. As always grazing association directors and permittees are encouraged to participate while these evaluations are being made. Methods for monitoring utilization are adopted from Holecheck and DeGalt (2000). This method was briefly presented at the annual validation meeting. The following describes utilization levels, we agreed to for the 2003-grazing season.

Use indicators and levels are highlighted below and generally correlate to a 40 % use on forage plants.

Table 3. Qualitative characteristics of grazing intensity categories used to characterize New Mexico rangelands (Holechek & Galt, 6/00, Rangelands).		
Qualitative Grazing Intensity Category	Use of Forage by Weight	Qualitative Indicators of Grazing Intensity
Light to non-use	0-30	Only choice plants (key species) and areas show use. There is no use of poor forage plants
Conservative	31-40	Choice forage plants (key species) have abundant seed stalks; Areas more than a mile from water show little use; About one third to one half primary forage plants show grazing on key areas.
Moderate	41-50	Most of accessible range show use; Key areas show patchy appearance with one half to two thirds of primary forage plants (key species) showing use; Grazing is noticeable 1-1½ 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 1½ miles from water
Severe	61+	Key areas show a clipped or mowed appearance (no stubble ht.): Shrubs are severely hedged; There is evidence of livestock trailing to forage; Areas over 1½ miles from water lack stubble height.

Within the Chicoma allotment the key forage species and desired stubble height are highlighted in the table below:

Table 5. Grazing intensity guide for mountain grassland rangeland in New Mexico (Holechek & Galt, 6/00, Rangelands)						
Qualitative Grazing Intensity Category	Use of Forage by Weight	Stubble Height Indicators of Grazing Intensity				
		Arizona Fescue		Bluegrass		Intermediate Wheatgrass
	---(%)-- -	-----Inches-----				
Light to none-use	0-30	8+		5+		8+
Conservative	31-40	6-7		4-5		6-7
Moderate	41-50	5-6		3-4		5-6
Heavy	51-60	4-5		2-3		4-5
Severe	61+	<4		<2		<4

Both the Forest Service and the permittee are responsible for monitoring use and stubble height on the allotment to ensure that proper use levels are **not exceeded**. If areas within a pasture or the pasture as a whole begin to approach the identified stubble heights, actions will need to be taken to limit additional forage use. We are especially concerned with use levels in riparian areas and canyon bottoms where cattle tend to concentrate use on palatable feed.

Forage use patterns, cattle numbers, salting practices, and coordination of improvements should be monitored periodically to determine when livestock should be moved between pastures. If use within that key area is approaching allowable stubble heights then the remaining key areas will also be monitored and the pasture inspected to determine overall use patterns. This information will be used to determine if cattle need to be re-distributed within the pasture or removed from the pasture.

V. IMPROVEMENT WORK

PROJECT	LOCATION	RESPONSIBILITY	NOTES
Los Quates Pit	T.21N. R.5E. Sec.28 SENE	Association	Cleaning of an existing borrow pit adjacent to FR 144. Archeological clearance completed
Ortiz Tank	T.21N. R.5E. Sec.28 SESE	Association	Cleaning of an existing tank. Archeological clearance completed
Chicoma Tank	T.21N. R.5E. Sec.34 NWNW	Association	FS to complete NEPA and Archeological clearance prior to construction

VI. SPECIAL MITIGATION MEASURES

In order to conform with the final U. S. Fish and Wildlife Service "Biological Opinion for Ongoing Livestock Grazing Activities on Allotments" which determine a No Affect and/or May Affect Not Likely to Adversely Affect on your allotment, **the following conditions must be met.**

Forage Utilization

Forage use by grazing animals will be maintained at or above a condition, which assures recovery and continued existence of threatened and endangered species. In order to attain this standard, the above site-specific key areas and key forage utilization standards have been developed for the Chicoma allotment.

Mineral Supplements/Salt Blocks

Mineral supplement/Salt block sites will be regularly rotated to reduce trampling and grazing impacts to vegetation. Cutting salt blocks in half before distributing them on the range is an easy way to avoid having to move them, as they get used before they need to be moved. In addition, all salt must be at a minimum ¼ mile from any water source.

VII. ADMINISTRATIVE APPEAL

District Ranger decisions regarding issuance, denial, or administration of grazing and livestock use permits may be appealed in accordance with 36 CFR 251, Subpart C. The following standard paragraph is included in this Annual Operating Plan for the purpose of ensuring that you are aware of your appeal rights.

This Annual Operating Instruction (AOI) is hereby made a part of your term grazing permit.

This decision is subject to administrative review pursuant to 36 CFR 251, Subpart C and any appeal of this decision must be fully consistent with 36 CFR 251.90 (see attached). 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, including the reasons for appeal, must be filed with Leonard Atencio, Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico 87504-1689 within 45 days of the date of this decision. A copy of the notice of appeal must be filed simultaneously with myself John Miera, Espanola District Ranger, at, P.O. Box 3307, Fairview Station, 1710 N. Riverside Dr., Espanola, New Mexico 87533. I appreciate you contacting me to resolve disagreements before you file any Notice to Appeal. This will insure that we both understand the reasons for each other's position regarding any issues. If you have any further questions concerning this matter please contact Donald Serrano of my Staff at the above phone or address.

Sincerely,

/s/ John P. Miera
JOHN P. MIERA
Espanola District Ranger