

Annual Operating Instructions

Black Range Allotment
Black Range Ranger District, Gila National Forest
2004 grazing season

I. PASTURE USE SCHEDULE

We have approved your application to graze 50 head of cattle on the Black Range Allotment for the 2004 grazing season (03/01/03 to 02/28/04). Total cattle numbers for the Black Range Allotment are not to exceed 250 head. The following is the grazing rotation schedule for the Black Range Allotment:

<i>PASTURE</i>	<i>ON</i>	<i>OFF</i>	<i>NUMBER</i>
Frank's Pasture (Hale Mtn. Portion)	03/01/04	03/31/04	150
Bear (Yaples) & Frank's (Upper Mineral Portion)	03/01/04 04/01/04	03/31/04 07/31/04	100 250
Pine Pasture	08/01/04	11/15/04	250
Frank's Pasture (Hale Mtn. Portion)	11/16/04	02/28/05	100
Mineral (Lower Mineral)	11/16/04	02/28/05	150

The schedule above is an estimate, and may be modified at any time during the grazing season if the utilization levels, identified below, are met, if water availability is inadequate, or for other resource management reason. If allowable use levels are met early in the scheduled pasture, cattle will be rotated into the next pasture or off the Forest. Cattle are to be completely removed from a pasture by the off date. Due to the rugged terrain of the Black Range Allotment, I will allow you two weeks prior to the off date to begin moving cattle into the next pasture. If two weeks are not adequate, you must request additional time from this office. Please notify this office when you begin to move cattle and when a pasture rotation is complete.

2. UTILIZATION STANDARDS

The following utilization standards will be applied on the Black Range Allotment:

- Riparian areas are not to exceed 25% of current year's growth on woody riparian species.
- Upland sites grazed during the growing season are not to exceed 35% of current year's growth of perennial grasses.
- Upland sites grazed during the dormant season are not to exceed 40% of current year's growth of perennial grasses.

3. KEY AREA MONITORING

At our annual validation meeting, key areas for monitoring were identified as riparian areas and transect cluster locations. In addition to these key areas, Mexican spotted owl protected and restricted habitat will be monitored.

The idea of a key area is to find a site that is representative of a larger area in which cattle obtain the majority of their required forage resources. Key area monitoring will avoid areas directly adjacent to permanent water sources, cattle trails, roads, and fence lines.

- Riparian areas will be monitored for use on riparian woody species as well as riparian herbaceous species.
- Upland areas will be monitored for use on perennial grass species.
- Mexican spotted owl protected and restricted habitat will be monitored to ensure that current management is providing cover for rodent prey species, the residual biomass that will support prescribed natural and ignited fires that would reduce the risk of catastrophic wildfire in the Forest, and regeneration of riparian trees.

District personnel will contact the permittees to coordinate site visits to monitor key areas. Permittee participation is encouraged. Forage utilization estimates will be consistent with the Forest Service Range Analysis Handbook methodology, and may also include FS Regional stubble-height standards, as well as other techniques generally accepted in the field of range management.

4. RANGE IMPROVEMENTS

Range improvements must be maintained to standard before cattle are allowed into a pasture. It is the permittee's responsibility to ensure that range improvements remain functional. This includes boundary fences in pastures not currently being grazed. Routine maintenance of existing improvements does not require written clearance; however, construction/reconstruction of new improvements must be authorized in writing from this office.

You made a request for a few drinkers. If funding becomes available this year we will try and provide you with some drinkers. If funding does not become available this year, keep us informed of your needs and we can try and budget some drinkers for next year 2005.

Archaeological surveys have been completed for the cleaning out of LookOut Stock Tank imp. #002066. We will need to conduct a Chiricahua leopard frog survey and execute a permit modification before you begin cleaning out the tank.

You informed us that Bear Tank (imp. #002489) has silted in and the overflow has caused some damage to the dike. We will need to conduct an archaeological and a Chiricahua leopard frog survey as well as execute a permit modification before any work can begin on this project. We will keep you informed of our progress in conducting the necessary surveys and paper work to accomplish the two projects listed above.

The realignment of fence #2037 (Silver Creek/Black Range Boundary Fence including a portion near the Great Republic Mine) has been identified as the priority range improvement this year. Archaeology surveys have been completed and historic sites have been marked, with red pin flags, and shown to you. The fence should be at least 50 ft. away from the marked sites. Gates must be placed where the fence crosses FR4081 and FR 4074K. The Forest Service will provide 2 ¼ miles of fencing materials, in addition to the 1 mile provided on 06/18/2002, however the Forest Service cannot provide materials for the ¼ mile portion of the fence that crosses private property. You said that you were willing to provide the materials for this portion. In addition the portions of the existing fence that are being rerouted must be removed. This project is scheduled for completion in June of 2004. After the completion of this project the Forest Service will determine the status of FR 4074K. Before any other work is done on this project, a permit modification must be initiated.

Archaeological surveys have been initiated for fencing the unfenced sections of fence # 002498 (Boarcat and Bugle). We still need to coordinate a visit with you and an archaeologist to survey a small section on the proposed Boarcat fence. At our AOI meeting you informed us that the Bugle portion is no longer needed. Once archaeological surveys have been completed and a permit modification executed, the Forest Service will supply fencing materials to a starting point for you. We plan to accomplish this by 04/01/2004. We set a date with you to have the Boarcat portion complete by 11/01/2004.

The Forest Service will provide fencing materials, as well as fence specifications, for the projects listed above. The amount of fencing required to complete these projects will be determined after site visits and documented in the Permit Modifications. We will work with you on a schedule of completion for these projects.

5. SPECIAL MANAGEMENT INSTRUCTIONS

The following restrictions will be implemented so that management remains in compliance with the Endangered Species Act. The instructions below relate to threatened, endangered, and proposed to be listed species as well as range/watershed conditions.

- No salt or mineral block may be placed in protected and restricted Mexican spotted owl habitat from February 1 to August 31, and no concentrations of livestock (i.e., corral use, traps, or large gatherings of livestock).
- Stock tanks must be surveyed for possible aquatic habitat before earth-disturbing maintenance is authorized.
- At our AOI meeting we discussed the listing of the Chiricahua leopard frog as a threatened species. Because of the listing of the Chiricahua leopard frog as a threatened species by the U.S. Fish and Wildlife Service, an analysis was completed for all Gila allotments. We have determined that livestock grazing on the Black Range Allotment has the potential to adversely affect the Chiricahua leopard frog. As a result of this determination, the U.S. Fish and Wildlife Service will prepare a draft Biological Opinion, which may modify grazing management

practiced to minimize the level of affect an action will have on a listed species. However, this determination has not yet resulted in any changes to your grazing permit. As the permittee of the Black Range Allotment, you have applicant status which allows you the opportunity to provide comments to the draft Biological Opinion. This office will keep you informed on the process.

The Endangered Species Act requires that actions funded or carried out by the federal government go through the consultation process to insure these actions do not jeopardize the continued existence of a listed species. Please notify this office of any planned earth disturbing activities involving riparian areas, dirt tanks, or other sources of open water.

Please keep in mind that during the fall of 2004 we will continue to collect trend data from the Parker Three-Step Clusters on the Black Range Allotment to aid in the NEPA process. We will coordinate this data collection with you and hope you will plan to attend.

6. OTHER INSTRUCTIONS

The permittee must obtain permission from the District Ranger, before conducting earth-disturbing activities on the National Forest. The Forest Service will arrange inspections of project areas and will prepare appropriate environmental and cultural documents before earth-disturbing activities proceed. These activities include road/earthen tank maintenance, as well as construction/reconstruction of trails, roads, earthen tanks, etc. Do not conduct any earth-disturbing activities on the Forest without written clearance from this office.

Salt must be located at least ¼ mile from water, and preferably on ridges and/or areas of low use. Do not place salt blocks in the same location as the previous year, and locate blocks on hard ground not susceptible to erosion. Supplemental feeding, other than mineral or supplement block is not authorized on the National Forest.

Please maintain actual use records for your portion (50 head) of the cattle on the Black Range Allotment separate from the other 200 head. Accurate records of your operation will aid in planning and determining the effectiveness of the grazing system. You are required to have all “counter” cattle tagged with Forest Service tags we have provided. Please maintain reasonably accurate records of cattle numbers and class, throughout the grazing season. This includes accurate lists of tagged cattle numbers. Please inform this office of your additional ear-tag needs. It is important that you remove ear-tags from any cattle you sell to re-tag replacements.

On yearlong ranges, calves under six months of age on January 1st are not counted against the authorized numbers until March 31st. By April 1st, these calves must be removed from the Forest or counted against the authorized numbers.

The Annual Operating Instructions are a part of the Term Grazing Permit as provided for in Part 1, Section 3. These instructions comply with the standards and guidelines found in the forest Plan, including the 1996 Forest Plan Amendment. Any additional information collected during the year may be incorporated into the Annual Operating Instructions.

This 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 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 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 Marcia Andre, Forest Supervisor, Gila National Forest, at 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 Tammy Randall-Parker, District Ranger, Black Range Ranger District at 1804 Date Street, Truth or Consequences, NM 89701.

We appreciate your cooperation in the management of the Black Range Allotment. If you have any questions regarding these instructions, please contact Ron Mortensen, Rangeland Management Specialist, or myself at (505)894-6677. Thank you.

Sincerely,

TAMMY RANDALL-PARKER
District Ranger