



File Code: 2210/2230

Date: April 30, 2003

Mr Hugh B McKeen Jr.

Dear Mr. McKeen,

I am in receipt of

In your letter dated April 24, 2003, you are requesting to move into the North Cedar Breaks Pasture sometime next week for approximately one month and then into the South Cedar Breaks Pasture for another month. According to the 2003 Grazing Year AOP/I you were scheduled to be in the West CCC Pasture through mid March, then the East CCC Pasture from mid March to the end of April and then into the South Cedar Breaks Pasture around the first part of May. The move into the South Cedar Breaks Pasture in May was contingent upon forage conditions gathered during the installation and monitoring of key areas in this pasture.

First, I see that your livestock remained in the West CCC Pasture beyond mid- March; however, you discussed this with Ed Holloway briefly on April 1, 2003. Your letter of April 2, 2003 documents this discussion. Ed has conveyed to me that you wanted to stay in the West CCC Pasture because of an abundance of spring annuals. However based on a previous site visit on the West CCC Pasture on March 13, 2003 where you, George Douds of the NMDA and Ed were present, it was determined that the key species identified in the key areas installed were "short". Ed tells me that he cautioned you that an extension in the West CCC pasture would be all right, if in fact, your livestock were not continuing to select the key species identified and that based upon your monitoring that you document the fact that stubble height minimums have not been exceeded on the key species. Under the present 2003 AOP/I this is highlighted on page 1, number 2. The Management System:..... ***Prescribed Use: Residual stubble heights of at least 1.2+ inches on "sodbound" Blue grama (Holechek 2001) identified and 2.5+ inches (Holechek and Galt 2000) on the "bunchgrass" Blue grama sites will be maintained throughout the year.*** Additionally, it is specified in the AOP/I on page 2, under the Pasture rotation table that... ****Time frames are estimates, grazing within the stubble height standards should supersede dates when use standards are met for a given pasture. Use in excess of the described standards is not authorized.***

Your letter dated April 2, 2003 merely documents that Ed told you to document your plans to change the grazing sequence. Ed shared with me that you also discussed, based upon your most recent monitoring, that your documentation showed use on the key species in the key areas was not being exceeded. I am aware that your herd, as of April 28, 2003 is still in the West CCC Pasture.

Again, I refer to the 2003 AOP/I for this year. It was contingent upon gathering more forage data, especially in the South Cedar Breaks Pasture, page 2 in the Pasture rotation table...as I



emphasize in red.

Pasture	Time Frame Estimates*	Comments
S. Cedar Breaks Pasture	To be determined: May 1- June 15 th objective, with total deferment this growing season	Scheduled for May 1 pending establishment and monitoring of key areas.
East CCC Pasture	mid March – April 30	Cool season species and annuals may afford relief to the perennial key species.
West CCC Pasture	Present – mid March	Cool season species and annuals may afford relief to the perennial key species
Wiley Morgan Pasture	Horses/Bulls	Pending
River Pasture	To be determined	Bull and Horses presently in pasture...until standard reached.

On April 14, 2003, during a pasture visit to the South Cedar Breaks Pasture with you, George Douds from NMDA, Ed Holloway and Cynthia McArthur key area monitoring locations were established, and monitoring, to ascertain the forage conditions in this pasture, was conducted. For the most part...outside of the Mineral Creek portion of the South Cedar Breaks Pasture, minimum stubble heights are not such that livestock can enter the South Cedar Breaks Pasture. Furthermore, we do not believe that stubble heights will be at their minimums until after the upcoming growing season. In fact, in some areas of the South Cedar Breaks Pasture there is apparent resource damage in death loss and very low vigor of the perennial herbaceous component in this pasture.

During the installation of key monitoring areas additional key species other than Blue grama were incorporated into the Management System. I am amending the AOP/I for 2003 to include Sideoats grama; 6- 8 inch minimum stubble height, Hairy grama; 2.5 inch minimum stubble height, Black grama; 4 inch minimum stubble height and Curly mesquite; 2.5 inch minimum stubble height. The stubble height minimums must be maintained for all key species and will not be averaged in instances where multiple key species occur.

Monitoring data for the North Cedar Breaks Pasture acquired last fall is similar to the more recent data gathered in the South Cedar Breaks Pasture. In this pasture it also appears that stubble heights will not be at their minimums until after the upcoming growing season. As with the South Cedar Breaks Pasture, there are areas of the North Cedar Breaks Pasture that show apparent resource damage occurring in death loss and very low vigor of the perennial herbaceous component.

Based on these conditions I am denying your request to alter the grazing schedule as outlined in your April 24, 2003 letter. In addition, in order to be compliant with the standards as described in your 2003 AOP/I as well as preventing further resource damage from occurring in the North and South Cedar Breaks Pasture, I am instructing you not to use either of these pastures until they have received total deferment during this year's growing season. Depending upon the growing season this year and a subsequent pre-monitoring trip, use may be approved on these pastures after October 1, 2003. I fear that because of the vigor of the herbaceous component and

subsequent apparent downward range condition and trend, additional recovery may be warranted in these pastures.

Additionally, you are instructed to move your livestock immediately from the West CCC Pasture to the East CCC Pasture to prevent further over-use of this pasture. You will have until May 7, 2003 to make this move. According to our monitoring data the minimum stubble height on the key species is such that livestock can enter the East CCC pasture. However, available stock water is a limiting factor. Livestock use in this pasture will be approved until May 30, 2003 but the use is not to exceed the minimum stubble heights standards as outlined in the 2003 AOP/I. The current use of the River Pasture with your horses and bulls is still contingent upon not exceeding the minimum stubble height standard at the location described in the October 25, 2002 letter amending the 2002 AOP/I in reference to the monitoring location and the 2003 AOP/I.

You will be given credit on your grazing fees from the period on June 1 to at least October 1 for the livestock not grazed this grazing year.

I am directing Ed Holloway to set up a post-monitoring trip with you on the West CCC Pasture monitoring sites to ascertain the level of use in this pasture. I am very concerned that everywhere livestock have grazed since last years grazing season we have documented excess use and resource damage. In a letter dated September 12, 2002, I informed you that; ... **“In order to achieve compliance throughout the remainder of the 2002 grazing season as well as in subsequent years in reference to meeting utilization standards you must move your livestock out of a pasture before maximum use levels specified in your annual operating instructions are exceeded.** In addition, any subsequent violations of excessive utilization may result in permit suspension or cancellation.”

In your letter dated April 28, 2003 you stated several issues regarding fences and cattle guards. My letter to you dated March 6, 2003 stated the resolution of all items in your letter. I am attaching a copy of that letter rather than reiterating all of our decision points.

On another subject matter, I have been made aware that Marcia Andre has extended your response due dates on Appeal #03-03-06-0010-A251 and #03-03-06-004-A251. We need to set aside a day between now and May 15 to specifically address your 251 appeal of last years NEPA decision to narrow your appeal points, in which, you feel have been already verbally agreed upon. Please contact the district as soon as possible to set up this date.

This decision/instructions 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 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 R. Andre, Forest Supervisor, Gila National Forest, 3005 E. Camino del Bosque, Silver City, New Mexico, 88061-7863, within 45 days of the date

of this decision. A copy of the notice of appeal must be filed simultaneously with Larry D. Raley, District Ranger, Glenwood Ranger District, P. O. Box 8, Glenwood, New Mexico, 88039-9704.

Larry D Raley
District Ranger