



File Code: 2210-1

Date: May 16, 2003

Mr. And Mrs. Pat Wantland
Permittee
Holt Gulch Allotment

Dear Mr. and Mrs. Pat Wantland:

This letter will amend the current 2003 Annual Operating Plan/Instructions for the Holt Gulch Allotment and will provide additional instructions.

Field observations conducted on the Holt Gulch allotment reveal that excessive livestock use is widespread. These conditions have been documented in a monitoring report dated May 14, 2003, and reviewed with you on May 15, 2003.

As a result of these observations, I am directing you to remove all livestock from the allotment by May 30, 2003.

I understand that removing livestock will take time. Therefore, based on a meeting between you and Ed Holloway, Glenwood Range Staff, which took place here at the office on May 15, 2003, we have developed a cooperative removal plan. Based on this plan, I am instructing you to adhere to the following timelines:

During the period between May 16, 2003 and May 23, 2003 you will gather livestock in in preparation for the move off. On May 24 through May 30th, 2003 you will begin to move your livestock off the allotment. All livestock are to be removed by May 30th, 2003.

The entire allotment will be scheduled for a total growing season rest at least until October 1, 2003. However, I am concerned with the use levels observed and drought-like conditions. Therefore, it may be necessary to allow additional time, beyond October 1, 2003, to allow for recovery of the range. Prior to October 1, 2003, we will assess the vegetation conditions on the allotment and determine whether livestock will be allowed to return.

I have committed to investigate other options for grazing your livestock during this interim period. Therefore, I will have a response to you regarding these options by June 15, 2003. However, don't assume that we will be successful in locating an alternate grazing area.

Finally, as you remove livestock from the Allotment, I will need you to call in the numbers of livestock that are removed. This will allow us to accurately calculate a grazing fee credit.

These decisions/instructions are subject to administrative review, pursuant to 36 CFR 251; and any appeal of these decisions 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 decisions. 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.

I greatly appreciate your understanding and cooperation during this trying time.

Sincerely,

LARRY D. RALEY
District Ranger

cc: SO

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]