



File Code: 2210

Date: February 10, 2003

Danny and Jacqueline Fryar

Dear Mr and Mrs Fryar,

This letter serves as your March 1, 2003 to February 28, 2004 Annual Operating Plan and Instructions.

Allotment: Kelly Allotment

Permittee: Fryar

Permitted Numbers:

Danny and Jacqueline Fryar: 49 cattle (cow/calf), 2 Horses (saddle) 3/1 – 2/28

Lewis Kelly: 41 cattle (cow/calf) 3/1 – 2/28

Jimmy Serna: 14 cattle (cow/calf), 2 Horses (saddle) 3/1 – 2/28

1. **Grazing System:** Single herd management in a four pasture deferred-rest rotational grazing system, summer and seasonal rest emphasized between pastures.
2. **Authorization:** (From Bill for Collection)

Permittee	Number and class	Dates Authorized
Name:Lewis Kelly	27 cattle (cow/calf)	3/1/03 to 2/28/04
Name: Danny Fryar	31 cattle (cow/calf), 2 Horses (saddle)	3/1/03 to 2/28/04
Name: Jimmy Serna	14 cattle (cow/calf), 2 Horses (sadle)	3/1/03 to 2/28/04

3. **Management System:** Cattle are scheduled to graze the following in 2003:

Pasture	Time Frame	Comments
West	3/1-4/30	
Spurgeon	5/1-5/30	Gather, stage and brand
East Sally	6/1-8/31	Maybe used together depending on conditions
Lewis Holding	Rest	
Johnny Holding	9/1-9/15	Gather into, stage for move
Middle Pasture	9/16-10/31	
West	11/1-2/28	



Timeframes are estimates. Livestock must be moved out of the pasture when utilization levels are met. Caution should be used especially through this upcoming spring and summer.

4. Special Instructions:

- a) Stock tanks must be surveyed for possible aquatic habitat and archeological concerns before maintenance cleaning is authorized. We should plan ahead for these surveys.
- b) Ongoing grazing consultation for the Chiricahua Leopard Frog is in progress.
- c) Salt or mineral blocks should not be placed within a quarter mile of water and ideally no closer than one-half mile. Salting is not authorized on any watering locations. Place blocks in lightly used areas until allowable forage use is achieved and then move them to the next least utilized area. Blocks should not be placed in meadow bottoms or near roads. Do not place block in the same area used in previous years and finally, put them on hard ground not susceptible to erosion.
- d) Any changes made in this plan because of any of the above will be made in cooperation with the District Range Staff and approved prior to the change by the District Ranger. The permittee will give the District at least Five-day notice of an anticipated change.

5. Utilization Standards and Monitoring:

Allowable use is the percentage of use that will be allowed on key grass and browse species. This use will be measured in the key monitoring areas shown below for the Kelly Allotment. Adherence to utilization levels *is mandatory and should be the limiting factor* in adjusting grazing management. Adjustments in numbers, rotation schedule, or season of use will be made if allowable use standards are met. Cattle will be moved to the next scheduled pasture or off the allotment when these forage utilization standards are met. The option to return livestock to a pasture that has received adequate plant re-growth will be considered if all resource objectives can be met.

The maximum allowable use levels set for the Kelly Allotment will be **35%** (2.5 inch average stubble height on Blue grama grass) during the growing season from May 1 through Sept 30. The maximum allowable use levels during the dormant season from October 1 through April 30 will be **40%** (2 inch average stubble height on Blue grama grass). Use of browse is not to exceed the **50%** level. Use levels will be monitored in the following areas:

Key Monitoring Areas:

Area	Important Plant Species	Comments/Descriptions
Areas around the following Cluster of Transects*		
C6, SE of Line Gap tank	Blue Grama	
C9, W of Saliz tank	Blue Grama	

C5, NE of Lewis tank	Blue Grama	
C4, SW of Sally Tank	Blue Grama	
C3, on E side of river	Blue Grama	
P1 NE of Cripple Saddle Tank	Blue Grama	

* A site visit will be conducted in the spring to establish key areas for utilization monitoring.

6. Range Improvements:

a) Fences: Proper maintenance of fences will help ensure they will hold livestock in a pasture and will extend their useful life. Fences in need of reconstruction will be inventoried and prioritized by the District for reconstruction. Please let us know if any other fences than the above described are beyond reasonable repair and are in need of reconstruction.

Improvement projects for the year will be based upon those identified in the 2002 NEPA Decision Notice and may include water lots around the tanks listed below in part b., two miles of fence in the Middle Pasture, a corral in the West Pasture, and approximately 0.75 miles of fence above Saliz Creek.

Permit-Modification	Unit	Completed by date:	Status
To be assigned			

b) Water: Stock water is important for proper livestock distribution. If natural water is not available to achieve good distribution, it may be necessary to haul water. In addition, maintenance of pipelines, troughs, spring boxes, and dirt tanks will help provide water throughout the year. If any of these improvements need repair work, you are authorized to do so, unless it requires ground disturbance, such as dirt tank cleaning. Advance planning is needed for authorizing tank cleaning so surveys can be scheduled during the summer months. If the pipelines and troughs are beyond reasonable repair, we are willing to work with you to replace them. Please protect natural springs and areas with riparian type vegetation. Drainage bottoms, creeks, springs, and cienegas where water is available are most susceptible to livestock concentrations.

Permit-Modification	Unit	Completed by date:	Status
To be assigned	Water lot fences around Willie Tank, Spurgeon Tank and Upper-Gutache Tank Beaver Spring temporary enclosure	2004	

c) Other improvements:

Permit-Modification	Unit	Completed by date:	Status
None			

7.

The Annual Operating Plan/Instructions are a part of the Term Grazing Permit as provided for in Part 3, Section 8. It complies with the standards and guidelines found in the Forest Plan, including the 1996 Forest Plan Amendment. It also complies with the Endangered Species Act as found in the Biological Assessment and/or on-going grazing consultation for the Kelly Allotment. 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 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.

Sincerely,

LARRY D. RALEY
District Ranger

Signed by Danny L. Fryar on 2/28/03
Permittee

Date

36 CFR 251 REGULATIONS

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]