



File Code: 2210

Date: December 8, 2003

Robert J. Wey  
Mogollon Enterprises

Dear Mr. Wey,

This letter will serve as your Annual Operating Instructions (AOI's) for the 2004 grazing year. In addition, this letter is to document actions that need to be taken this year to keep the Forest Service and this allotment in compliance with previous commitments from environmental assessments, allotment management plans and guidelines and recommendations for wildlife and plant species, that are threatened or endangered.

The Annual Operating Instructions are a part of the Term Grazing Permit as provided in Part 2, Section 8. They comply 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 this allotment. Any additional information collected during the year may be incorporated into the Annual Operating Instructions.

The permittee has requested a three year non-use agreement on the allotment for the restoration of grasses lost due to the lack of rain during the past several growing seasons and for resource protection. Through these Annual Operating Instructions, Acting District Ranger Jacqueline Buchanan, is authorizing total non-use for the next three years for resource protection which includes the 2004 through 2006 grazing seasons on the Devils Park Allotment.

Permitted numbers are 95 cow/calf from 3/1 to 2/28, and includes 19,384 acres.

Range improvements on your allotment need to be maintained to proper Forest Service standards. When in non-use status the permittee is required to keep all range improvements maintained. A complete list of these improvements is listed in your grazing permit. The following table consists of improvements that are required through the 2003 NEPA decision on the Devils Park Allotment to be constructed and maintained.

Permit-Modification	Unit	Completed by	Status
1-03	Devils Creek Windmill pipeline/storge tank installation	September 30, 2004	Agree upon different location
2-03	Devils Park Tank Water-lot	September 30, 2004	Permittee needs to pick up available



			materials
3-03	Trail Tank Water-lot	September 30, 2004	Permittee needs to pick up available materials
4-03	Black Mountain Tank Water-lot	September 30, 2004	Permittee needs to pick up available materials.
5-03	Frying Pan Tank Water-lot	September 30, 2005	Permittee needs to pick up available materials.
6-03	Six Bar Tank Water-lot	September 30, 2005	Permittee needs to pick up available materials.
7-03	Turkey Tank Water-lot	September 30, 2005	Permittee needs to pick up available materials.
8-03	Hanging Rocks Tank Water-lane	September 30, 2006	Permittee needs to pick up available materials.

These Instructions are subject to administrative review, pursuant to 36 CFR 251; and any appeal of these Instructions 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 Instructions. 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 Instructions 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 these Instructions. A copy of the notice of appeal must be filed simultaneously with Jacqueline A. Buchanan, Acting District Ranger, Glenwood Ranger District, P. O. Box 8, Glenwood, New Mexico, 88039-9704.

If you have any questions or concerns please feel free to contact the district range personel at 539-2481.

Sincerely,

\_\_\_\_\_  
JACQUELINE A. BUCHANAN  
Acting District Ranger

\_\_\_\_\_  
Date

I have reviewed and agree with these Annual Operating Instructions.

\_\_\_\_\_  
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]