Silver City Ranger District
Gila National Forest

2004

ANNUAL OPERATING INSTRUCTIONS

BEAR CREEK ALLOTMENT #700

BEAR CREEK RANCH

Prepared By	District Range Staff	Date	12/12/03
Approved By	District Forest Ranger	Date	12/12/03
Agreed to By	Permittee	Date	12/12/03

Annual Operating Instructions

I. INTRODUCTION

These Annual Operating Intsrtuctions are in reference to the discussion you had with Ralph Pope on December 12, 2003, at the Silver City Ranger District office. The permitted stocking for the 2004 grazing season on the Bear Creek Allotment is as follows:

68 cattle	01/01/04-12/31/04	Bear Creek Allotment
2 horses	01/01/04-12/31/04	Bear Creek Allotment

Horses will be run on/off the forest inconjunction base property private land.

The above schedule for stocking the allotment depends upon the availability of forage and water. Some flexibility in the above pasture rotation dates will be allowed for justifiable causes such as weather conditions, livestock management needs, and range conditions. If there is a need to deviate from the above pasture rotation schedule by more than 15 days, you need to immediately notify the District Ranger of the proposed change in the pasture rotation date and the reason for the change. A deviation from the above schedule of more than 15 days must be approved by the District Ranger. The District Ranger must be notified 5 days prior to the time livestock enter or leave the Forest if the placing on or removal of livestock is not planned in the above schedule, and more than 10 head are being moved.

II. MANAGEMENT OF LIVESTOCK

You are responsible for monitoring water availability and forage utilization. It is your responsibility to move your livestock when sufficient water is no longer available or when proper forage utilization is achieved in a pasture. You are responsible for keeping track of and maintaining control of your livestock. In the event your livestock are found to be out of the scheduled pasture, you will be required to find, gather, and return your animals to the proper pasture as soon as possible. Failure to maintain control of your livestock could lead to adverse action against your Term Grazing Permit.

III. IMPROVEMENT MAINTENANCE

All range improvements assigned in the 10-year Term Grazing Permit should be maintained in a functioning condition. In the event these improvements cannot be brought up to a functioning condition, you should notify this office so we can schedule them for reconstruction as funds become available.

The following improvements will be constructed/reconstructed in 2004: **Install a pipeline and trough at Holman Rockheader, Reconstruct approx. 1.5 miles Bear Creek-Walnut Creek Allotment Bdy Fence # 7036 & Construct waterlot around Buckwood Tank..**

You are authorized as the permittee on the Bear Creek Allotment to cut and utilize juniper fence posts, various species of fence stays, and ponderosa pine, Douglas fir, true fir, spruce or aspen poles to maintain fences, corrals or other improvements on National Forest System lands within the allotment. This authorization allows cutting **100** corner post, **50** poles, and **300** stays. Line posts are no larger than 6.5 feet in length and have a inch top diameter. Corner posts are no larger than 8 feet in length and have a 7-inch top diameter. Poles are limited to trees less than 9 inches in diameter at breast height (DBH). Stays may be cut from limbs from trees cut for posts or poles, sapling-size trees, down snags, or snags that have been designated by a Forest officer to be cut. You are authorized to use this material under 36 CFR 223.2(a), Free Administrative Use. This authorization is valid for the calendar year 2004.

The following instructions must be followed when cutting any posts, poles or stays under this authorization:

1. Stumps should be no higher than 12 inches above the ground.

2. Slash should be lopped to within 24 inches of the ground and scattered.

3. Cutting and removal of posts, poles or stays should not be done when the soil moisture conditions would permit ruts to be cut.

4. No posts, poles, stays or by-products from them will be sold or used anywhere but on National Forest land within your allotment to maintain the range improvements assinged in your 10-year Term Permit.

5. All posts, poles or stays will be cut within your allotment unless another specific area is designated for cutting by the District Ranger.

Non-compliance with the instruction set forth in this authorization could lead to adverse actions taken against your Term Grazing Permit.

IV. GENERAL INSTRUCTIONS

1. Fire - branding and warming fires should be used with good judgement - not on windy days or during times when fires are specifically restricted. The Silver City District is planning to allow naturally ignited fires to burns on the district this coming year. We will notify you if we plan to let a fire burn on your allotment.

2. Records - please keep track of materials used, and the days and dollars spent on maintenance of improvements. It is also necessary to keep track of cattle numbers, dates of entering and leaving different pastures, shipping dates, and cattle losses (both grown stock and calves).

3. Heavy Equipment Use - written permission from the District Ranger will be required for any heavy equipment use on the National Forest. Examples of this are cleaning out stock tanks, road maintenance, etc.

4. Credit/Refund - any credit or refund applications for grazing fees must be made as far in advance as possible. Credit/Refund applications are not retroactive and will be approved only if the District Ranger is notified of livestock removal, prior to, or at the time, the livestock are taken off the allotment. You will be required to provide your Social Security number in order for a credit/refund to be processed.

A $25 administrative fee will be charged for any additional bills for collection that are sent to you due to either late payment or for split billing on seasonal allotments. There is no administrative fee for the normal "split billing" on yearlong allotments. This fee will be collected to pay for the cost associated with issuing an additional bill for collection.

In the future it will be necessary for you to write the bill number on your check prior to submitting it to the lockbox. This has become necessary to insure that your payment is credited to your account

5. Short Age Calf Policy - any short-aged calves (calves less than 6 months old on December 31) must be removed from the National Forest by April 1, or you will need to apply for and pay grazing fees for these animals from April 1 to the time they are removed from the National Forest. Calves that are 6 months old or older on December 31, need to be paid for starting January 1.

6. Predator Control - The private use of predator control devices or programs on National Forest land must be approved by the District Ranger prior to being carried out.

7. Salting and Supplemental Feeding - the following practices will be adhered to:

   a. Feeding of energy supplements on National Forest land will not be permitted unless a proven need to use the supplements is shown, and a detailed plan is developed and approved.

   b. Feeding of vitamin or mineral supplements on National Forest land will be permitted if a detailed plan is approved, or if carried out in conjunction with salting.

c. Salting practices will be in agreement with the 10-Year Term Grazing Permit. Salt will be placed in areas of available feed to help draw cattle to them. Salt will not be placed in natural concentrations areas, which receive heavy grazing use.

V. ALLOTMENT STATUS

As we discussed at our annual permittee meeting, the Bear Creek Allotment is not named in any of the pending lawsuits, but the Allotment Management Plan on this allotment is in need of updates to meet forest plan standards and guidelines. At the present time direction for management on this allotment will be documented in these Annual Operating Instructions.

VI. SPECIAL MANAGEMENT CONCERNS

As you are aware, forage and water have become scarce on most allotments and it appears that we will have another dry winter season. **If forage and/or water availability becomes even more of a problem on your allotment, you will be required to change your management and possibly remove your livestock from the National Forest lands.** You need to keep track of conditions on your allotment and make plans to reduce or totally remove your livestock if it looks like vegetative/watershed conditions could be substantially harmed due to continued grazing during the drought period.

In order to insure proper utilization of the forage produced on your allotment, you will need to monitor key areas in the pastures that are scheduled to be grazed this year. The key areas with the allowable use levels are found in Part 3 of your Term Grazing Permit. No more than 30% of woody riparian plants should be grazed in the riparian areas. It is very important that you do not exceed the allowable use in key areas. If, during the year, you feel that the utilization level is approaching the allowable use level, you will need to take some action to stop grazing the area. There are many actions that can be taken, such as pasture moves, locating your livestock on different waters, etc. We will work with you in order to insure that any actions you may take are appropriate and do not compound the problem. We will be making periodic range inspections to check on forage utilization levels and the effectiveness of your management efforts.

VII. APPEAL RIGHTS

This Annual Operating Instruction 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 attached 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, 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 **Gerald A. Engel, District Ranger, Silver City Ranger District, 3005 E. Camino del Bosque, Silver City, NM 88061.**

Open and positive communications dealing with these or any other concerns is encouraged. Feel free to contact Ralph Pope or Gerald Engel if you have any questions or problems. They will be happy to discuss allotment management, conditions on your allotments, Forest Plan standards and guidelines, or any other concerns you may have.