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Agriculture

Forest
Service

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File Code: 1570

Date: August 7, 2003

Mr. Hugh B. McKeen
HC 61, Box 175
Glenwood, NM 88039-9700

CERTIFIED MAIL 7001 1140 0003 5957 3219
RETURN RECEIPT REQUESTED

RE: Appeal Number 03-03-06-0018-A251

Dear Mr. McKeen:

I am writing this letter to document the telephone conversation between you and Steve Libby on July 31, 2003. That conversation was in response to your letter of July 28, 2003.

In your July 28, 2003, letter, you requested appeal of Larry Raley's July 15, 2003, decision that denied your use of the River Pasture and instructed you to remove all livestock from the Cedar Breaks allotment by July 24, 2003. Steve Libby explained to you that these decisions are not appealable because it is implementation of earlier appealable decisions. These earlier decisions were in your March 3, 2003, Annual Operating Instructions (AOI) and amended by letters on April 30, 2003, and May 22, 2003.

Additional key species and minimum stubble heights were identified in the April 20, 2003, amendment to your AOI. The May 22, 2003, amendment to your AOI changed the minimum stubble height for blue grama from 1.2 inches (sod bound) and 2.5 inches (bunchgrass) to 1.5 inches regardless of when it occurs

Your March 3, 2003, AOI states, "when monitoring results indicate one or more key areas in all pastures have exceeded minimum stubble heights by 20% or more of the assigned levels, and scheduled deferment cannot be achieved, livestock will be removed from the allotment. At the time of the July 15, 2003, decision, at least one or more key areas in all pastures, with exception of the River Pasture, exceeded the minimum stubble heights by 20% or more. Although one key area in the River Pasture had a small amount of forage remaining on blue grama, the Glenwood Ranger District concluded that the River Pasture was in no condition to permit grazing because of the following:

Existing stubble within an "area of concern" averaged 1.16 inches on blue grama. This area is approximately 50 acres in size, located on zero to ten percent slope, and represents conditions on 20-25 percent of National Forest land within the River Pasture.

I realize there has been no consensus between you and the District for the above area to represent a key area. However, the approval of specific areas to monitor is ultimately the District Ranger's responsibility. The District Ranger identified this area as an area requiring special management consideration.

You were previously given appeal rights for your AOI and AOI amendments. The appeal periods for these earlier decisions have expired. My decision is subject to discretionary review by the Regional Forester and provided for in 36 CFR 251.92(c)



Mr. Hugh B. McKeen

Page 2

I am pleased that on August 1, 2003, I was able to visit the allotment with you and representation from New Mexico Department of Agriculture (NMDA), Range Improvement Task Force, NMDA Extension Service and the District. I sincerely appreciate that you acknowledged my concern about National Forest conditions within the River Pasture, and proposed a grazing strategy to graze National Forest and private lands within the River and Wylie Morgan Pastures with minimal additional impact to National Forest lands. I understand that you and District personnel have agreed to attempt this strategy for up to two weeks. Based upon the relative success of your strategy, this use may be extended. I wish you success.

You raised several other questions in your letter of appeal, but I think these were discussed in the field on August 1, 2003. If some questions remain unsatisfied, Larry Raley will be happy to provide clarification

Sincerely,

/s/ Danny R. Montoya
MARCIA R. ANDRE
Forest Supervisor