

**DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT**

13-Mile Rock Range Allotment

**Red Rock and Mogollon Rim Ranger Districts
Yavapai and Coconino County, Arizona**

Introduction

An Environmental Assessment (EA) has been completed for the management of rangeland resources on the 13-Mile Rock Range Allotment. The EA is available for review at the Red Rock Ranger Station, Blue Ridge Ranger Station, and the Coconino National Forest Supervisor's Office. The Project Record is available for review at the Red Rock Ranger District office.

Decision and Rationale

Based on the Environmental Assessment for this project and comments received during the EA's 30-day public comment period, we have decided to select Alternative 5 as the management strategy for the 13-Mile Rock Range Allotment for the next 10 years.

Alternative 5:

- Continues current stocking of 550 head of permitted livestock year long.
- Continues using an intensive rest-rotation livestock grazing strategy (Management Intensity Level D).
- Reduces allowable livestock use from 50% to 40% of current year's growth.
- Approves construction of 3.0 miles of new fence dividing the Winter pasture into two smaller pastures and reduces the length of time livestock graze the Winter pasture from 60 days (January and February) to 30 days each in the two newly-created, smaller pastures (Winter East (January) and Winter West (February)).
- Increases the graze period in the Wingfield Mesa pastures from 80 to 100 days in the spring to increase the grazing use on the dominate tobosa grass and encourage the development of a greater diversity of grass and forb species.
- Approves the burning and spot seeding, if needed, of approximately 2,000 acres on the Wingfield Mesa Pasture to reduce invasion of undesirable shrub and half-shrub species.
- Utilizes livestock as a tool to scarify soils and plant a mix of cool and warm season perennial native grass and forb species on approximately 300 acres.
- Approves the maintenance of approximately 3,000 acres of the savannah grasslands over the next 10 years by on-site cutting, lopping and scattering or removal as Christmas trees of immature pinyon and juniper trees (Winter, Maverick Basin, Tin Can, Tanque Aloma and Meadow Canyon pastures).

- Approves the burning of approximately 1000 acres of decadent browse plants in the Winter pasture and the spot seeding of native species, if needed.
- Allows for mitigation of antelope habitat effects by replacing the bottom barbed wire of barbed-wire fences with smooth wire and raising the height of the bottom wire to at least 18" above ground for exterior and interior pasture fences (including water-lots) and to 21" above ground in antelope habitat areas.
- Approves realignment of .7 miles of division fence in the Heifer and Cactus Pasture.

We selected Alternative 5 because it best meets purpose and need, resolves the significant issues and meets the goals, objectives, standards and guidelines of the Coconino National Forest Management Plan by allowing continued livestock grazing in a manner that protects and enhances natural and social resource values.

Alternative 1 - Current Management, was not selected because it did not include additional structural improvements that were needed to protect critical riparian resources. Also, this alternative did not address non-structural improvements identified by the ID Team to maintain rangeland health and resource values.

Alternative 2 - Non-Grazing, was not selected because the environmental analysis identified no effects or consequences that warranted exclusion or elimination of grazing. It also did not address the soil compaction issue and the related scarification and seed treatment of 300 acres determined to improve soil and watershed conditions on specific areas of the allotment.

Alternative 3 - Proposed Action was not selected because it did not allow for the prescribed burning of 2,000 acres of grasslands for maintenance and improvement of grassland quality. It did not include the opportunity of the Christmas tree cutting. And the cost benefit ratios for the 3,000 acres of lop and scatter woodland treatment was not economically efficient.

Alternative 4 - Current management with minimal investment in range improvements, was not selected because it also did not allow for the prescribed burning of 2,000 acres of grasslands for maintenance and improvement of grassland quality. This alternative also provided for less vegetative treatments, did not provide adequate resource maintenance and protection required by the Forest Land Management Plan.

Mitigation actions required to implement Alternative 5 were identified (see Chapter 2 – Management Alternatives) and evaluated (see Chapter 4 – Environmental Consequences) in the EA. We list them here for emphasis:

- Limit use and concentration of livestock and construction activities in Mexican spotted owl and peregrine falcon habitat.
- Use salt to achieve livestock distribution to avoid livestock concentrations within or adjacent to Mexican spotted owl protected activity centers or placed in mountain meadows or riparian areas or within 0.25 miles of these areas.
- Clean vehicles and equipment prior to leaving an infested area to prevent the introduction or spread of noxious weeds. Use only certified weed free hay and seed.

- Keep prescribe burn intensities at levels that prevent the loss of soil nutrients and organic matter to preserve soil productivity.
- In pinyon-juniper grassland maintenance treatments avoid burning heavy concentrations of slash and ground fuels to protect long-term soil productivity.

These mitigation measures will become part of the 10-Year Term Grazing Permit, Allotment Management Plan and Annual Operating Plan for permitted livestock grazing use on this allotment, and will be included as appropriate in the implementation of the approved site-specific resource projects.

Monitoring activities associated with the implementation of Alternative 5 will be completed as described in the EA (see page 99, Chapter 5 -- Monitoring).

Public Involvement

An integral and ongoing element of all environmental analyses is contact with the public and those who have an interest in the project. This “scoping” was utilized early in this project to identify the issues to be addressed and the depth of the analysis required for the Environmental Assessment.

A Proposed Action for managing the rangelands within the project area was developed by an interdisciplinary team (Team) of Forest Service Specialists, Arizona Game & Fish Department (AG&FD) and the Ranch Manager. This proposal was mailed to interested and affected individuals, groups, Federal and State resource agencies, American Indian Tribes and local agencies and political entities in the fall of 1998. From the responses received, the Team captured the issues with the Proposed Action.

October 28, 1999, public comment was sought through a letter from the District announcing the completion/availability of the EA and Summary of the Preferred Alternative and the start of the 30 day comment period. Legal advertisement of 30 day comment period was published in the Arizona Daily Sun newspaper on November 1, 1999. Numerous comments were received and comments returned November 17, 1999 to January 10, 2000. Issues of cultural preservation, prescribed burning, grazing use and the system of livestock management were addressed in the ID Team’s responses.

On December 13, 1999, the US Fish and Wildlife Service concurred with determinations of “Not Likely to Adversely Affect” the bald eagle, southwestern willow flycatcher, Mexican spotted owl, Yuma clapper rail, razorback sucker, and Gila trout. They also concurred that the project was not likely to jeopardize the continued existence of the Colorado pikeminnow.

On January 14, 2000, the US Forest Service determined that activities proposed for the Thirteen Mile Rock Allotment would have no impact on 26 sensitive species, and may impact individuals, but would not likely result in a trend toward federal listing or loss of viability of 14 sensitive species.

The Chiricahua leopard frog was proposed as a threatened species on June 14, 2000, and on May 17, 2001, the US Fish and Wildlife determined that the project was not likely to jeopardize the continued existence of the frog. The Chiricahua leopard frog was listed as federally threatened on July 15, 2002.

Due to designation of critical habitat for the loach minnow and spikedace in April 2000, additional consultation occurred for these two species. A biological opinion was finalized on September 30, 2002, and determined that the project was not likely to jeopardize these two species, and was not likely to destroy or adversely modify critical habitat.

Alternatives Considered In Detail

In addition to Alternative 5 that we selected, four other management alternatives were fully considered during the analysis process, three of which included livestock grazing and one that eliminated grazing for 10 years. Each of these alternatives included actions to maintain the grassland areas, improve wildlife habitat, maintain or improve water quality, watershed condition and riparian habitat. The ‘no action’ alternative is required by NEPA (40CFR Part 1502.14 (d) and serves as a baseline from which the other alternatives are compared.

Alternative 1 (Current Management)

The current livestock grazing management strategy would continue on the allotment (Management Level D), including assigned maintenance of structural improvements and monitoring requirements. The key features would include:

- Continue current 550 head permitted livestock numbers for a year long grazing season, under an Allotment Management Plan and a new 10-year term grazing permit.
- Limited access by livestock on West Clear Creek in the Winter Pasture.
- Restricted livestock access to Cottonwood Spring.
- Within the Heifer pasture livestock access is restricted to three watering gaps as approved under the Decision Memo for the Fisheries Fencing Project (signed 1/29/99).
- Proper allowable livestock use is 50% of current year’s growth.
- No new facilities would be constructed, nor any site-specific resource projects implemented.
- Mitigation and monitoring of livestock grazing use would be the same as under Alternative 5.

Alternative 2 (No Grazing)

Under this alternative there would be no grazing for the next 10 years, with projects for improving watershed conditions and wildlife habitat.

- Livestock grazing use would not occur on the allotment for the next 10 years; a 10-year term grazing permit would not be issued.
- Proper allowable livestock use is 0% of current years growth.
- Cut, lop and scatter 3,000 acres of pinyon-juniper in the grasslands.
- Prescribe burn 1,000 acres in browse areas.
- Maintain fences at the Verde River, Cottonwood Spring and allotment boundaries.

- Monitoring of wildlife foraging use.
- Monitor for trespass livestock.

Alternative 3 (Proposed Action)

This is the same as Alternative 1, Current Management, but includes vegetative treatments, new structural improvements, incorporates rest and extends grazing periods within the Wingfield Mesa pastures and decreases the allotment's allowable use by 10%.

- Continue current 550 head permitted livestock numbers for a year long grazing season, under an Allotment Management Plan and a new 10-year term grazing permit.
- Limited access by livestock on West Clear Creek in the Winter Pasture.
- Restricted livestock access to Cottonwood Spring.
- Within the Heifer pasture livestock access is restricted to three watering gaps as approved under the Decision Memo for the Fisheries Fencing Project (signed 1/29/99).
- Current livestock grazing use would occur on the allotment. Livestock management strategy would remain the same.
- Proper allowable livestock use is 40% of current years growth.
- Construct 3.0 miles of new fence splitting the Winter pasture into two smaller pastures.
- Pastures on Wingfield Mesa would be grazed a total of 100 days rather than the current 80 days.
- A schedule would be developed for modifying old barbed wire fences to meet antelope standards.
- Cutting, lopping and scattering encroaching pinyon-juniper on 3,000 acres in the grasslands.
- Prescribed burning 1,000 acres in browse areas
- Scarifying and seeding native grasses and forbs on 300 acres in the grasslands.
- Maintain all existing range structures.

Alternative 4

This alternative is the same as Alternative 1, Current Management, with emphasis on watershed and grassland maintenance, forage improvement focusing on the more productive areas within the allotment.

- Continue current 550 head permitted livestock numbers for a year long grazing season, under an Allotment Management Plan and a new 10-year term grazing permit.
- Limited access by livestock on West Clear Creek in the Winter Pasture.
- Restricted livestock access to Cottonwood Spring.
- Within the Heifer pasture livestock access is restricted to three watering gaps as approved under the Decision Memo for the Fisheries Fencing Project (signed 1/29/99).
- Current livestock grazing use would occur on the allotment. Livestock management strategy would remain the same.
- Proper allowable livestock use would be reduced to 40% of current years growth.
- Construct 3.0 miles of new fence splitting the Winter pasture into two smaller pastures.
- Pastures on Wingfield Mesa would be grazed a total of 100 days rather than the current 80 days.

- A schedule would be developed for modifying old barbed wire fences to meet antelope standards.
- Cut, lop and scatter immature juniper trees on approximately 1000 acres of pinyon-juniper grasslands (Winter, Maverick Basin, Tin Can, Tanque Aloma and Meadow Canyon pastures) over the next 10 years to maintain the savannah-like grasslands. This includes 600 acres of pinyon-juniper treatments plus 400 acres of pinyon-juniper Christmas tree harvest.
- Prescribed burning 700 acres in browse areas
- Scarifying and seeding native grasses and forbs on 300 acres in the grasslands.
- Maintain all existing range structures.

Alternatives Eliminated From Detailed Analysis

The following alternatives were considered, but eliminated from detailed analysis. A brief description of the alternatives is discussed below.

Graze Bobs and Cactus pastures with bulls

Livestock grazing strategy: Same as Alternative 1, except the bulls are kept with the main cow herd from March to late July only. Separate the bulls (50 head) in late July and truck them to the Wingfield Mesa pastures for August and September to meet resource goals for reducing the dominance of tobosa grass in these pastures. Then move (truck) them to the Bobs and/or Cactus pastures. Graze these pastures, and possibly some private land, for 6 months.

The FS decided to withdraw this alternative from further consideration because, constructing and maintaining the required structures, trucking the bulls between pastures, hauling water, and the anticipated impacts to the shallow soils were cost prohibitive.

Lease the bulls needed to service the cow herd each year

Livestock grazing strategy: Same as Alternative 1, except lease bulls during the breeding season only (March - late July) under an annual livestock use permit for breeding purposes. Drop the bulls off at Wingfield Mesa and pick them up at the Sandrock shipping facility. Hold over 50 head of calves until March 1 each year to fill the 50 allowed number left vacant by the bulls. Ship the hold-over calves before the bulls are brought on approximately March 15.

The FS decided to withdraw this alternative from further consideration because leasing the bulls would be cost prohibitive.

Livestock shipping option from the Proposed Action

Place a small shipping structure at Upper Sawlog to ship late season calves prior to January 1 of each year if bulls are kept with the cows year-round.

This alternative was dropped from further analysis because the construction and maintenance of the shipping facility was cost prohibitive.

Reduce livestock numbers and management intensity

Livestock Grazing Strategy: Reduce livestock numbers to the level permitted prior to implementation of the current intensive grazing management strategy (450 head). Return to a rest rotation grazing system using the entire allotment area (Management Intensity Level C).

This alternative was dropped from further analysis because the current 550 permitted numbers are well within the available capacity for the 13-Mile Rock Range Allotment based upon current available resource data. The current strategy has been successful and has resulted in movement toward LMP goals and the stated goals of the 1987 Allotment Management Plan. An important aspect considered when evaluating the need for this alternative was the Permittee's proven willingness to comply and implement the intensive management strategy, and to coordinate livestock use with other uses on the allotment area.

Findings Required By Other Laws and Regulations

Endangered Species Act of 1973

Biological Evaluations were completed for sensitive plants and animals. No sensitive species will experience impacts that would cause or contribute to a trend towards federal listing or cause a loss of viability to the population or species.

Clean Air Act of 1970 (as amended)

All activities will be implemented in accordance with provisions of the Clean Air Act as administered by the Arizona Department of Environmental Quality.

National Historic Preservation Act of 1966

The Forest Service program for compliance with the National Historic Preservation Act includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by activities. It is the determination of the Forest Archaeologist that no cultural resources are present.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990)

This activity will not impact the functional value of any floodplain as defined by Executive Order 11988 and will not have negative impacts on wetlands as defined by Executive Order 11990.

Environmental Justice (E.O. 12898)

I have determined that in accordance with Executive Order 12898 this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

Wild and Scenic Rivers Act of 1968, as amended in 1986

I have determined that this project will have no adverse effects to any wild and scenic rivers.

Clean Water Act of 1977 (as amended)

This activity will not impact the functional value or compromise the quality of any rivers, streams or riparian areas. Mitigation measures will be in place as discussed the environmental assessment, Chapter 2-*Alternatives*.

Multiple-Use Sustained Yield Act of 1960

I have determined that all activities are in compliance with the provisions in the Multiple-Use Sustained Yield Act of 1960.

National Environmental Policy Act of 1969 (as amended) and National Forest Management Act (NFMA) of 1976 (as amended)

I have determined that the analyses for the 13-Mile Rock Range Allotment are in compliance with NFMA and NEPA.

Forest and Rangeland Renewable Resources Planning Act (RPA) (as amended)

I have determined that all activities are in compliance with the provisions of the RPA as amended.

Over three years have passed since the Notice and Comment period ended on December 1, 1999 and the signing of the proposed Decision Notice. There has been no change in the proposed action nor significant new circumstances or information relevant to environmental concerns during this time. We have reviewed the environmental assessment, project record, all supportive reports, all USFWS Biological Opinions and conclusions drawn from these documents stand in support of the environmental assessment.

We have further determined that the environmental assessment is adequate and there is no need for a supplement to the environmental assessment. Please refer to the ‘Supplemental Information Report’ in the project record for clarifications and documentation of changes which have occurred during this lengthy time period.

The actions planned under this decision are consistent with the management direction in the Coconino National Forest Land Management Plan, and with Forest Service direction and policy. These actions also meet the requirements of 36 CFR 219.3, 219.12 and 20 for livestock grazing on suitable lands, and are in compliance with the requirements of 36 CFR 219.27(b).

Finding Of No Significant Impact

I have determined through an environmental assessment that Alternative 5 is not a major Federal action that would significantly affect the quality of the human environment, individually or cumulatively with others actions in the general vicinity. This determination is made considering significance in both context and intensity (40 CFR 1508.27).

Context

I have determined that Alternative 5 is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. The discussion of the significance criteria that follows applies to the intended actions and is within the context of local importance in the area associated with the Red s and Mogollon Rim Ranger Districts.

Intensity

Beneficial and Adverse Impacts:

The physical and biological effects are confined to the 13-Mile Rock Range Allotment area and adjacent land and communities. Adverse effects on soils, water, air, wildlife, plant communities and fire hazard are judged to be not significant, due to the type of activities, number of acres and sequence of livestock grazing use, number of acres of juniper removal and or prescribed burning in relation to the number of adjacent untreated areas and mitigation prescribed.

Public Health and Safety:

Given the current and expected numbers of people recreating in the project area and the mitigation measures prescribed to reduce potential conflicts during livestock grazing, fence construction and maintenance and prescribed burning, there are no known or expected adverse effects on public health and safety.

Implementing Alternative 5 will not disproportionately impact any minority population in the immediate area or surrounding counties, nor will implementation impact Americans with disabilities.

Unique Characteristics:

This project area is not in proximity to any unique historic sites, park lands, prime farm land, wetlands or ecologically critical areas. Therefore, the unique characteristics of the area will not be significantly affected.

Controversy:

The environmental effects to the human environment are documented in the environmental assessment and are typical for the action proposed. The effects are not controversial from a scientific or technical standpoint.

Uncertainty and Risk:

The actions also do not involve unique or unknown risks, nor are the environmental effects highly uncertain. The activities are typical of past activities in the vicinity. To the best of my knowledge, the effects of activities are known and have been addressed.

Precedent:

Implementing Alternative 5 does not set a precedent for future actions that would have significant effects.

Cumulative Effects:

The cumulative effects are addressed in the EA, and the analysis team evaluated the projects listed on the current Schedule Of Proposed Actions (SOPA) for the Coconino National Forest for potential impacts of reasonably foreseeable action. Therefore, an environmental impact statement is not needed.

Significant Scientific, Cultural or Historical Resources:

Implementing Alternative 5 will not cause the loss or destruction of significant scientific, cultural or historical resources. An Archaeological Survey and Cultural Resources Clearance report for the 13-Mile Rock Range Allotment area is complete and available for review in the Project Record. The State Historic Preservation Officer concurred with a determination of No Adverse Effects for ongoing livestock grazing. A site-specific cultural resource clearance is required for fence construction, prescribed burning, juniper removal and scarifying and seeding prior to implementation of each of these projects.

Threatened and Endangered Species or Critical Habitat:

Implementing Alternative 5 will have no significant effects on threatened, endangered, candidate or proposed species or Forest Service listed sensitive species, and is not likely to destroy or adversely modify proposed critical habitat of any species. A Biological Assessment and Evaluation is complete for all threatened, endangered, candidate and sensitive species occurring within or adjacent the 13-Mile Rock Range Allotment area. US Fish and Wildlife Service concurred with a finding of May Affect, Not Likely To Adversely Effect for the Mexican spotted owl, bald eagle, southwestern willow flycatcher, Yuma clapper rail, loach minnow, Gila trout, spokedace, razorback sucker and Colorado squawfish. Findings of Not Likely To Destroy or Adversely Modify Proposed Critical Habitat for loach minnow and spokedace also received concurrence from Us Fish and Wildlife Service. The peregrine falcon is no longer a Federally listed species, but was evaluated as a Forest Service sensitive species and will be monitored closely.

Federal, State and Local Laws:

Implementing Alternative 5 does not threaten a violation of Federal, State or local laws, or requirements imposed for the protection of the environment.

Implementation Date

This project will not be implemented sooner than five (5) business days following the close of the appeal filing period established in the Notice of Decision in the *Arizona Daily Sun*. If an appeal is filed, implementation will not begin sooner than 15 calendar days following a final decision on the appeal if the decision is upheld. Implementation means actually doing the ground disturbing activities described in this notice. Preparation work may proceed.

Appeal Procedures and Administrative Review Process

This decision is subject to administrative review (appeal) pursuant to 36 CFR 215.7 and 36 CFR 251.8. Those who are legal instrument holders such as permittees, can also appeal under 36 CFR 251.8. Legal instrument holders must stipulate which appeal regulation they are appealing under. They cannot appeal under both. A written notice of appeal must be filed with the Appeal Deciding Officer:

Regional Forester
Southwest Region
333 Broadway, S.E.
Albuquerque, New Mexico 87102

The Notice of Appeal must be filed within 45 days of publication of notice of this decision in the newspaper of record, the *Arizona Daily Sun*.

In accordance with 36 CFR Section 215.14, it is the responsibility of those who appeal a decision to provide the Appeal Deciding Officer sufficient evidence and rationale to show why the Responsible Official's decision should be remanded or reversed. The written notice of appeal must meet the following requirements:

- State that the document is a Notice of Appeal filed pursuant to CFR part 215.
- List the name, address and telephone number of the appellant.
- Identify the decision document by title and subject, date of decision, and name and title of the Responsible Official.
- Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects.
- State how the Responsible Official's decision fails to consider comments previously provided either before or during the comment period specified in 36 CFR 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

Contact Person

For additional information concerning the decision or the Forest Service appeal process, contact Ken Anderson, District Ranger; Red Rock Ranger District; PO Box 300; Sedona, AZ 86336 or by telephone at (928) 203-7500. The EA is also available on the Coconino National Forest website, <http://www.fs.fed.us/r3/coconino/nepa/>

/s/ *Ken Anderson*
KEN ANDERSON
Red Rock District Ranger

September 23, 2003
Date

/s/ *Larry G. Sears*
LARRY G. SEARS
Mogollon Rim District Ranger

September 23, 2003
Date