

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

**13 RANCH AND CHRISTOPHER MOUNTAIN/ELLINWOOD
ALLOTMENTS
GRAZING STRATEGY AND ASSOCIATED IMPROVEMENTS**

**Payson Ranger District
Tonto National Forest
USDA Forest Service
Gila County, Arizona**

Decision and Reasons for the Decision

BACKGROUND

The 13 Ranch Allotment has a current term grazing permit authorizing summer seasonal grazing by up to 49 adult cattle from May 1st through October 31st. The Christopher Mountain/Ellinwood Allotment has a current term grazing permit authorizing up to 200 adult cattle yearlong. There is no approved Allotment Management Plan on either allotment. The purpose of the proposed action is for continued authorization of grazing on these allotments in a manner that maintains or improves project area resource conditions and achieves the objectives and desired conditions as described in the Tonto National Forest Plan. There is a need for this action because current management does not provide for an adaptive management strategy that will allow the Forest Service and grazing permittee to respond to changing resource conditions. There is a need to incorporate range improvement practices such as fencing and improved access to water to better control livestock distribution. There is also a need to reduce juniper density in some woodland areas to maintain or improve range and watershed condition.

DECISION

Based upon my review of the alternatives considered in detail, it is my decision to implement Alternative 2 for both the 13 Ranch Allotment and the Christopher Mountain/Ellinwood Allotment. Two new 10-year Term Grazing Permits will be issued to the respective current permittees. The following table outlines the specific actions included in my decision for the allotments.

Table 1. Decision elements for the 13 Ranch Allotment

FEATURES	Specific Action
Permitted Use	Summer-seasonal, with up to 378 AUMs which equates to 63 adult cattle for 6 months from May 1 st through October 31 st
Pasture Management	
Highway 260, North, Gordon, Hunter, Snowshoe	Typically used for 2-3 months each during the May-October timeframe. When used in consecutive years, deferral of use period will occur to allow partial growing season rest. Periodically each pasture will receive a complete years rest
Horse Holding Pasture	Typically used for 2-3 weeks in October prior to shipping cattle from the allotment
Utilization Standards	Uplands:

	<p>Herbaceous in pastures = 30 - 40%</p> <p>Browse in pastures = <50% of current years leader growth</p> <p>Riparian:</p> <p>Use on Deergrass = < 40% of plant species biomass</p> <p>Maintain an average of 6 - 8 inches of stubble height during the grazing period</p>
Mitigation	<p>In Mexican Spotted Owls Protected Activity Centers (PAC), no human disturbance from cattle gathering or construction activities will occur during the breeding season (March-August) unless surveys confirm owls are not present. Gordon Pasture used after breeding season if owls are present.</p>
Improvements	<p>Construct up to 4 earthen stock tanks that collect road runoff; construct new corral and holding trap. Implementation of these range improvement practices will allow for better cattle distribution, thereby increasing the amount of usable rangeland.</p>

Table 2. Decision elements for the Christopher Mountain/Ellinwood Allotment

FEATURES	Specific Action
Permitted Use	Up to 2,400 AUMs which equates to 200 adult cattle yearlong. Initial stocking rate is 960 AUM's (80 adult cattle).
Pasture Management	
Highway 260 West, Horse Mountain	Typically used during June – October. The number of summer pastures used in any year will depend on herd size. Periodic summer rest or deferment will occur as herd size increases. About 1,090 acres will be added to Highway 260 West pasture when division fence is relocated along Forest Road 284.
Cottonwood, Mescal Ridge, Leo Canyon	Typically used November – May. The number of winter pastures used in any year will depend on herd size. Periodic grazing deferment will occur. Pastures receive warm growing season rest every year.
Hunter Creek Holding	Used as a holding and gathering pasture during summer/fall (June-October). Length of use period will depend on herd size and reaching allowable use levels. Partial growing seasons rest every year.
Highway 260 East	About 3,550 acres will be eliminated from grazing once pasture division fence is relocated along Forest Road 284. Most of this acreage is no-capacity or partial capacity due to steep topography or lack of forage production. Christopher Creek excluded from grazing.
Utilization Standards	<p>Uplands:</p> <p>Herbaceous in pastures = 30 - 40%</p> <p>Browse in pastures = <50% of current years leader growth</p> <p>Riparian:</p> <p>Use on Deergrass = < 40% of plant species biomass</p>

	Maintain an average of 6 - 8 inches of stubble height during the grazing period
Mitigation	Sharp Creek campground needs fencing on east boundary (approx. ½-mile) to exclude cattle when using Hunter Creek Holding pasture. In Mexican Spotted Owl Protected Activity Centers (PAC), no human disturbance from cattle gathering or construction activities will occur during the breeding season (March-August) unless surveys confirm owls are not present.
Improvements	Implementation of these range improvement practices will allow for better cattle distribution, thereby increasing the amount of usable rangeland. Construct pasture division fence in Cottonwood pasture to split into 2 winter pastures (Cottonwood and Leo Canyon); construct new pasture division fence in Highway 260 West pasture to eliminate grazing in most of Highway 260 East pasture; construct up to 6 earthen stock tanks collecting road run-off; construct 2 new trick tank water systems; trap fencing around existing tanks; remove juniper trees that have encroached in grassland areas on approx. 1000 acres at 3 sites (Big Ridge, North of Dry Canyon and North of Leo Canyon)

RATIONALE FOR THE DECISION

My objective in reaching this decision was to select an alternative that allows for the response of changing resource conditions or management objectives while addressing the multiple use resource needs of the agency and the sustained long term economic returns of the ranching operation. This alternative maximizes movement toward the management direction and best complies with the standards and guidelines as specified in the Tonto Forest Land Management Plan (LMP). This alternative will meet these needs by sustaining or improving rangeland productivity. I am particularly concerned with the need for improvement in riparian systems. Alternative 2 would eliminate grazing in Christopher Creek, and established riparian use guidelines for key riparian reaches. I believe Alternative 2 has the best potential for movement towards meeting the Forest's Land Management Plan objectives, while considering the current socioeconomic factors. Alternative 2 also addresses the Forest Service's mission to provide a sustained flow of resources from National Forest System lands while promoting a healthy and productive environment.

As stated in the EA, Alternative 1 would be less effective in meeting the objectives as specified in the Land Management Plan. This alternative would not provide for thinning of juniper over about 1,000 acres of juniper woodlands. Without this vegetative treatment, watershed condition, forage production, and herbaceous species density may decline as juniper density increases through the years. Alternative 1 does not provide for additional water developments, nor provide for continued permittee maintenance of existing waters. It is a Tonto Land Management Plan standard and guideline to provide for a minimum of one water per section in big game key areas. It is for this reason that I did not select this alternative.

Alternative 1 may provide the most improvement to the environmental resource conditions in areas without dense woody overstory; however, it does not address the social and economic

needs to both the affected permittees and to Gila County. It does not address the Forest Service's mission to provide a sustainable flow of resources from National Forest System lands. It also does not address the need for an adaptive management strategy.

ALTERNATIVES CONSIDERED

The alternatives considered for the 13 Ranch, Christopher Mountain/Ellinwood EA included a "no grazing" alternative and an action alternative, which responded to the need for action and the issues. Chapter 2 (pages 8-19) of the Environmental Assessment contains a complete discussion of alternatives.

Alternative 1 (no grazing) -

- grazing by domestic livestock will not occur
- other range improvements will not be maintained with Forest Service funds generated through the collection of grazing fees

Alternative 2

- grazing by domestic livestock will occur
- an Adaptive Management strategy will be used to manage the allotment
- range improvements will be constructed on both allotments to better control livestock distribution including new water developments, trap fencing around existing tanks, and pasture interior fences
- juniper thinning project (totaling 1000 acres) will be performed on Christopher Mountain/Ellinwood Allotment

Public Involvement

District Ranger Edward E. Armenta formally initiated the NEPA process in April 2007. A scoping letter was sent to interested/affected parties to solicit comments concerning the proposed action for the 13 Ranch and Christopher Mountain/Ellinwood allotments (see Consultation and Coordination on page 52 for a list of persons, organizations and agencies that were consulted). Comments received were analyzed in June 2007 to identify issues with the proposed action. District Ranger Armenta identified no significant issues that could not be mitigated within the two alternatives to be considered in the analysis.

A copy of Chapters 1 and 2 of the Environmental Assessment went to the public for a 30-day comment period in August 2007. Four letters or emails were received in response. All comments received throughout the analysis were considered in this decision. A content analysis on the comments and their consideration is contained in the project record.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my findings on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.

2. There will be no significant effects on public health and safety because rangeland management activities would be conducted in a safe manner to protect the public. Rangeland management activities similar to those described in the EA have occurred in this area, as well as over most of the Forest, without incident of issue with public health and safety. Public health and safety was not identified as an issue during scoping (EA page 8). The project does not involve national defense or security.
3. The project area contains portions of the Hellsgate Wilderness Area. Approximately 6,124 acres of the Christopher Mountain/Ellinwood Allotments lie within the wilderness area, which encompasses about 14% of the project analysis area. None of the 13 Ranch Allotment lies within the wilderness. The Hellsgate inventoried roadless area lies west and south of these allotments, but is not within the project area. The analysis area contains approximately 1,073 acres of a segment of Tonto Creek that has been considered potential for “wild” designation in the *Preliminary Analysis of Eligibility and Classification for Wild/Scenic/Recreational River Designation (USDA, 1993)*. This is equal to approximately 2% of the analysis area. This segment was considered free-flowing and the Outstandingly Remarkable Values (ORVs) were scenic, geological, fish, and wildlife and riparian (EA pages 40-43). Alternative 2 does not allow for grazing in Tonto Creek due to inaccessibility from steep topography and private land exclusion. The action is consistent with the Wilderness Act, and does not propose any new road construction or changes to existing travel management (EA pages 40-43). The project area is known to contain cultural resources of both prehistoric and historic periods. The action will not have an adverse effect on heritage resources (EA page 43-46).
4. This Environmental Analysis is tiered to the LMP Environmental Impact Statement. Forest-wide effects of LMP's standards were disclosed in that EIS. The selected alternative with the identified mitigation considered in the EA meet LMP standards. In addition, extensive scoping was completed during the analysis in order to identify areas of potential controversy. The scoping activities are identified in Chapter 1 and 4 of the EA (pages 8, 52), this Decision Notice, and the project record. Areas of potential controversy were identified as issues. Issues were used to focus development of alternatives, mitigation measures, and limit the scope of the analysis of the effects in the EA. There has been no information presented that would demonstrate that the action would cause adverse impacts that could not be mitigated. I conclude that it is very unlikely that the environmental effects associated with the action will be highly controversial.
5. This action is similar to many past actions, both in this analysis area, and adjacent areas. Effects of this action will be similar to the effects of past, similar actions. Livestock grazing and fence construction have occurred on the Tonto National Forest for over 100 years. The Interdisciplinary Team that conducted the analysis used the results of past actions as a frame of reference, and combined that insight with scientifically accepted analytical techniques and best available information to estimate effects of the proposal. I conclude there are no unique or unusual characteristics about the area, not previously encountered, that would constitute an unknown risk upon the human environment.
6. Similar actions have occurred in the watershed. Effects of this project are minor and short-term in nature. Major follow-up actions will not be necessary. I conclude that this action does not establish precedence for future actions with unknown risks to the environment.

7. Chapter 3 of the EA (page 20-52) discusses the combined effects of the project with other past, current and reasonably foreseeable future actions. Based on the discussions in the EA and information identified during public review of the EA and given in the Decision Notice, I have concluded that there are no significant, cumulative impacts.
8. There are no known sites or structures within the project area that are currently listed or eligible for placement on the National Register of Historic Places. Consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act has been completed for grazing and proposed improvements and the SHPO has concurred with the no adverse effect determination.
9. A Biological Assessment for endangered, threatened and Forest Service Sensitive species was completed in 2008 and submitted to the U.S. Fish and Wildlife Service for informal concurrence. The project area contains designated critical habitat for Mexican Spotted Owl as defined by the Endangered Species Act.

The following determinations were made for threatened and/or endangered species in the 2008 Biological Assessment:

Common Name	Species	Status	Analysis Area Occurrence	Determinations
Mexican Spotted Owl (species)	<i>Strix occidentalis lucida</i>	T	PAC's	May affect, not likely to adversely affect
Mexican Spotted Owl (critical habitat)	<i>Strix occidentalis lucida</i>	T	Critical habitat	May affect, not likely to adversely affect
Chiricahua Leopard Frog	<i>Rana chiricahuensis</i>	T	Historic	May affect, not likely to adversely affect

Based upon the conclusions documented in the Biological Assessment and the updated wildlife effects analysis (EA chapter 3), I conclude that there will be no adverse effects to species as listed in the above table or their habitat determined to be critical under the Endangered Species Act (ESA).

10. Chapters 1-3 of the EA (pages 1-52) document the analysis for this project which does not threaten or violate any federal, state or local law imposed for the protection of the environment. This project is fully consistent with the Tonto LMP and the National Forest Management Act (NFMA), Clean Water Act, and the Federal Land Policy Management Act of 1976.

Based on the above considerations I have concluded that this project is in compliance with statutes imposed for the protection of the environment and that this is not a major federal action that will significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not needed.

Findings Required by Other Laws and Regulations

The EA is appropriately tiered to and consistent with the Tonto Land Management Plan and the selected alternative is in compliance with management direction for the area.

The National Environmental Policy Act provisions have been followed as required by 40 CFR 1500. The EA analyzed a reasonable range of alternatives, including the No Grazing alternative. It also discloses the expected impacts of each alternative and discusses the identified issues. This document describes the decision I have made and my rationale for the decision.

The decision meets all requirements of the Endangered Species Act. Informal concurrence was obtained from the US Fish and Wildlife Service as to the determinations made on Threatened and/or Endangered species in the Biological Assessment that was submitted by the Forest Service on July 29, 2008. Concurrence from the US Fish and Wildlife Service has been requested and received for Alternative 2, the Adaptive Management alternative, on September 23, 2008.

The selected alternative complies with the provisions of the National Historic Preservation Act (NHPA). The State Historic Preservation Officer and any potentially affected tribes have been consulted. Clearance for this project has been received, with concurrence by the State Historic Preservation Officer.

Water and air quality standards will be met. There are no classified floodplains or wetlands within the project area.

The project area does not contain any portion of the Hellsgate inventoried roadless area outside of the Hellsgate Wilderness. The project does not propose any new road construction within this area, or elsewhere in the project area.

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, the 5th business day from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to regulations at 36 CFR 215. Individuals or organizations who provided comment or otherwise expressed interest in the proposed action during the comment period may appeal. Interest expressed or comments provided on this project prior to or after the close of the comment period do not have standing for appeal purposes. The appeal must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer. Submit appeals to:

Gene Blankenbaker
Forest Supervisor
Tonto National Forest
2324 E. McDowell Rd
Phoenix, AZ 85006
Fax: 602-225-5295

If hand delivered, the appeal must be received at the above address during business hours (Monday - Friday 8:00 am to 4:30 pm), excluding holidays. Electronic appeals may be

submitted to: appeals-southwestern-tonto@fs.fed.us (.doc, .rtf, or .txt formats only). The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

Appeals, including attachments, must be in writing, fully consistent with 36 CFR 215.14, and filed (postmarked) within 45 days following the date this notice is published in the *Payson Roundup*, the newspaper of record. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframes provided by any other source.

FUTURE REVIEW OF THE DECISION

In accordance with Forest Service Handbook direction [FSH 1909.15(18) and 2209.13(96)], an interdisciplinary review of the decision will occur within 10 years, or sooner if conditions warrant. If this review indicates that management is meeting standards and achieving desired condition, the permit would be re-issued and initial management activities would be allowed to continue. If monitoring demonstrates that objectives are not being met and management options beyond the scope of the analysis are warranted, or if new information demonstrates significant effects not previously considered, a new proposed action would be developed and further analysis under NEPA will occur.

CONTACTS

For additional information on this decision, contact Edward E. Armenta; District Ranger, at (928) 474-7900 or Christine Thiel; Project Leader at (928) 474-7921.

/s/ Edward E. Armenta

September 29, 2008

**EDWARD E. ARMENTA, District Ranger
Payson Ranger District
Tonto National Forest**

DATE