



United States  
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Agriculture



Forest Service



Southwest  
Region



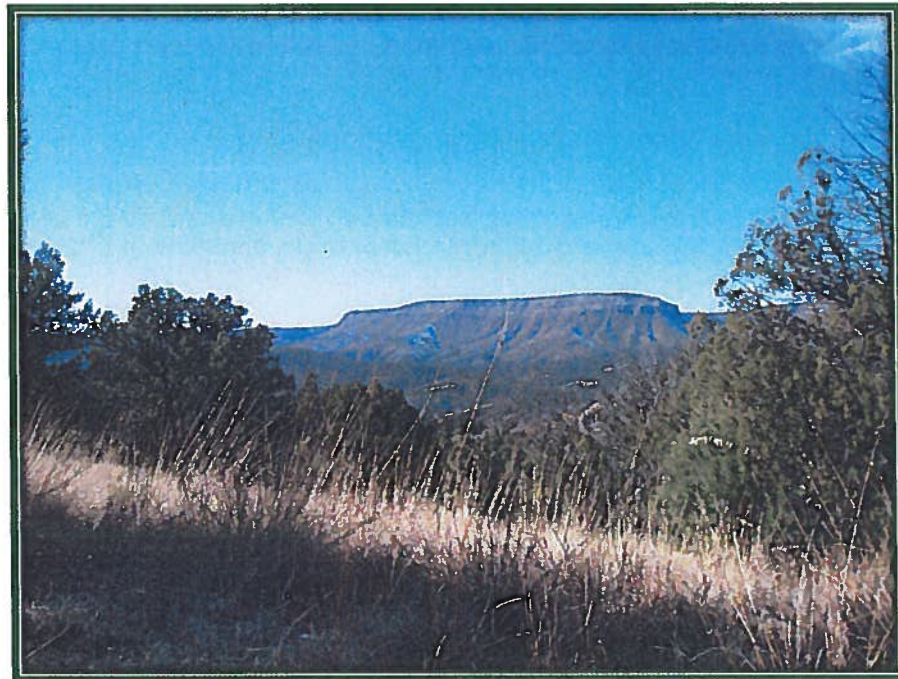
State of Arizona



Gila County

## Decision Notice and Finding of No Significant Impact

### CHERRY CREEK ALLOTMENT and FRIO CANYON ALLOTMENT



### Pleasant Valley Ranger District Tonto National Forest

Responsible Official

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District Ranger  
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Information Contact

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February 24, 2012

## INTRODUCTION

The Environmental Assessment (EA) for the Cherry Creek Allotment and Frio Canyon Allotment was prepared by an Interdisciplinary (ID) team. The original Decision Notice and Finding of No Significant Impact (DN & FONSI) was appealed and affirmed with instructions [Appeal #10-03-12-001-A215].

The amended EA was submitted for public scoping and received no comments. Two alternatives were analyzed in detail by an interdisciplinary team:

1. No Grazing
2. Permitted Adaptive Management Grazing

Further description of alternatives can be found in Chapter 2 of the EA (pages 14-27). A copy of the final EA is available for public review at Pleasant Valley Ranger Station; Forest Road 63; Young, Arizona. It may also be found on the Tonto National Forest web site, Forest Projects at [fs.usda.gov/tonto](http://fs.usda.gov/tonto).

## DECISION

This Decision Notice documents my decision and reasons for this decision. The Cherry Creek Allotment and Frio Canyon Allotment EA purpose and need for action provides the focus and scope for the Proposed Action and alternatives. Given the purpose and need, I have reviewed the alternatives and acknowledged the lack of public comment received on the amended EA. Public feedback, management direction and policy considerations, the analysis disclosed in the amended EA, and information contained in the Project record contributed collectively to determining the selected alternative.

Based upon my review of the Cherry Creek Allotment and Frio Canyon Allotment EA, I have decided to implement Alternative 2, as described in the final EA.

A new 10-year Term Grazing Permit will be issued to the current permittee.

### Changes to the Final EA

There were no comments to the amended EA so there are no changes in the final EA.

### Planned Activities for Selected Alternative

The following activities are summarized descriptions; complete descriptions can be found in Chapter 2 of the EA:

- Cherry Creek and Frio Canyon allotments shall be combined to form one livestock grazing allotment named Cherry-Frio Allotment
- Permitted grazing by domestic livestock shall occur on Cherry - Frio Allotment
- Adaptive management strategies shall be implemented to manage livestock grazing
- Three small existing pastures shall be combined to form one large pasture near the center of the newly combined allotment

- Up to 3,250 acres of juniper encroachment into historic semi-desert grasslands shall be treated using approved methodologies
- Five new “road” stock tanks shall be constructed in suitable locations that meet Arizona Department of Water Resources specifications
- Riparian habitat within South Cherry Pasture shall be grazed by permitted livestock based on predicted responses, management objectives, and predetermined thresholds of range readiness and acceptable utilization
- A new riparian pasture shall be created within the Ridge Pasture and shall be grazed by permitted livestock based on predicted responses, management objectives, and predetermined thresholds of range readiness and acceptable utilization
- Range water developments shall be fenced, creating “traps” to facilitate moving and processing livestock

### **Monitoring of Resources**

Implementation monitoring of the selected alternative shall occur. Resource specialists shall monitor specific aspects of the following specific resources:

- Vegetation monitoring using frequency, fetch, and dry weight rank methodologies shall occur annually on established key areas within the allotment. Monitoring is a joint venture between USFS, Natural Resource Conservation Service (NRCS), and the permittee implementing ASU’s “Reading the Range” program.
- USFS archaeology staff shall monitor known heritage sites eligible or potentially eligible to the National Register of Historic Places before project implementation as well as during, and after project implementation as needed.
- USFS project manager shall monitor revegetation of disturbed areas to determine need for additional measures and noxious weed control.
- USFS resource specialists shall monitor effectiveness of erosion control measures following installation.

### **PUBLIC INVOLVEMENT**

Initially, four grazing allotments were to be analyzed in this NEPA process. Formal initiation of the Cherry Creek, Frio Canyon, Flying V, and Flying H Allotment analysis began in 2008. A scoping letter was sent to interested parties soliciting comments concerning the proposed action for the four allotments. Comments were received and analyzed in May 2008. The District Ranger at the time, Jerome A. Mastel, identified no significant issues that could not be mitigated within the two alternatives considered in the analysis.

In May, 2008, Ranger Mastel decided to proceed with analysis of Cherry Creek and Frio Canyon Allotments and to postpone analysis of Flying V and Flying H Allotments.

The preliminary Cherry Creek and Frio Canyon EA went to the public for a 30-day comment period in June 2008. Five letters and e-mails were received in response and all comments were

considered in this decision. An analysis of the comments and their consideration is contained in the project record.

On September 10, 2009, Ranger Mastel signed a Decision Notice and Finding of No Significant Impact for Cherry Creek and Frio Canyon Allotments.

On December 3, 2009, Appeal #10-03-12-001-A215 for the Cherry Creek and Frio Canyon EA was upheld by Tonto Forest Supervisor Gene Blankenbaker. The EA was affirmed with instructions back to Pleasant Valley Ranger District for amendment.

The amended EA was released on September 13, 2011. The public was invited to review and comment on the document through public notice in the Payson Roundup Newspaper and on the Tonto National Forest web site at: [comments-southwestern-tonto-pleasant-valley@fs.fed.us](mailto:comments-southwestern-tonto-pleasant-valley@fs.fed.us). The amended EA lists agencies and people consulted on pages 79-80. During the 30-day public comment period, no letters or electronic comments were received regarding the amended EA.

## **DECISION RATIONALE**

I have decided to implement Alternative 2 because it best meets the purpose and need for this action as determined from management direction and conditions on the ground, and because it responds well to key issues, public comments and the Appeal #10-03-12-001-A215 instructions.

Alternative 2 is in compliance with standards and guidelines specified in the Tonto Forest Land Management Plan (LRMP). It emphasizes movement toward management direction in the LRMP while sustaining or improving rangeland productivity and riparian systems.

Alternative 2 combines well thought out range improvements, mitigation measures and adaptive management strategies to promote a healthy and productive environment. At the same time, this alternative addresses the Forest Service's mission to provide a sustained flow of resources from National Forest System (NFS) lands. Alternative 2 has the best potential for movement toward meeting the Tonto LRMP objectives while considering current socio-economic factors.

### **Reason(s) for Not Selecting Other Alternatives**

I did not select Alternative 1 because it does not address the social-economic needs of both the affected permittee and Gila County. While the No Grazing Alternative may expedite improvement to some environmental resource conditions, it does not address vegetation diversity objectives, nor does it address the need for an adaptive management strategy. Finally, the No Grazing Alternative does not address the Forest Service's mission to provide a sustainable flow of resources from NFS lands.

## **FINDING OF NO SIGNIFICANT IMPACT**

I have determined through the amended EA 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. There were no significant, adverse, or controversial impacts to the human environment identified in this review. This determination is also based on the findings and criteria listed below.

## CONTEXT

The significance of effects of my decision has been analyzed in several contexts. My decision is consistent with the requirements of the Forest Plan and contributes to meeting the goals of the Forest Plan. The analysis considers and discloses cumulative effects on the resources within the project area and associated resource areas. In addition, direct and indirect effects on the project area have been considered in this determination.

## INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. The EA considers and discloses both beneficial and adverse effects.
2. **The degree to which the proposed action affects public health or safety.** Public health and safety was not identified as an issue during scoping (EA pages 12-14). Historic rangeland management activities occurred on these lands without incident of public health and safety. Future rangeland management activities shall be conducted in a safe manner to protect the public.
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** The project area contains portions of the Sierra Ancha Wilderness Area, as well as a portion of the Sierra Ancha inventoried roadless area. Segments of Cherry Creek within the project area are proposed as eligible for classification as Wild, Scenic or Recreational river status (EA pages 57-64). The project area is known to contain cultural resources of both prehistoric and historic periods. There will be no significant effects on unique characteristics of the area, because the action is consistent with the Wilderness Act, does not propose any new road construction or changes to existing travel management, and adaptive management strategies shall protect riparian habitat and water quality.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. There were no public comments identifying the quality of the human environment as an issue.
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. Rangeland management activities have been monitored on these lands since the 1950's and future rangeland management activities shall be monitored and adapted to move toward desired conditions.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because the effects of this action will be similar to the effects of past similar actions.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. Livestock grazing and development of range improvements have occurred on the project area and surrounding NFS lands for over 100 years. The ID Team conducted analysis using the results of past actions as a frame of reference and combined that insight with scientifically accepted analytical techniques and best available science to estimate cumulative effects of the proposal.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Livestock grazing has occurred within the analysis area for over 100 years with no significant adverse effects. Development of new range improvements and maintenance of existing improvements has occurred on the project area over 50 years. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because existing range improvement maintenance and new construction follows strict procedural guidelines. Consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act (NHPA) has been completed for grazing and range improvement development. SHPO concurs with the no adverse effect determination.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (ESA).** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the ESA. The project area contains designated critical habitat for Mexican Spotted Owl as defined by the ESA. All rangeland management related activities within the critical habitat must adhere to strict guidelines designed to mitigate adverse effects. A Biological Assessment and Evaluation (BAE) for threatened, endangered and Forest Service Sensitive species (TES) was completed in 2008 and a letter of concurrence with the determinations of effects on listed species was issued by the US Fish and Wildlife Service on December 2, 2008. The following determinations were made for TES in the 2008 BAE:



COMMON NAME	SCIENTIFIC NAME	STATUS	OCCURRENCE	DETERMINATION
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened Mgmt Indicator Species	Habitat	No Effect
Chiricahua Leopard Frog	<i>Rana chiricahuensis</i>	Threatened	Habitat	May affect, not likely to adversely affect
Southwestern Willow Flycatcher	<i>Empidonax trailii extimus</i>	Endangered	Habitat downstream on Salt River	May affect, not likely to adversely affect
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	Threatened	One Protected Activity Center	May affect, not likely to adversely affect

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action shall not violate Federal, State, and local laws or requirements for the protection of the environment and is fully consistent with the Tonto LRMP, the National Forest Management Act, Clean Water Act, and the Federal Land Policy Management Act of 1976 (EA pages 1-78).

### FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The action is consistent with the Tonto National Forest Land Management Plan. Planned activities are consistent with management area direction, comply with Forest Plan standards, and contribute to Forest Plan goals and objectives.

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. Concurrence was obtained from the US Fish and Wildlife Service as to the determinations made on TES species in the 2008 BAE as it relates to the selected alternative.

The selected alternative complies with the provisions of NHPA. SHPO and any potentially affected tribes have been consulted. Clearance for this project has been received, with concurrence by SHPO. Site specific clearances shall be obtained prior to implementation of any range improvement projects.

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

The project area is known to contain a portion of an inventoried roadless area outside of the Sierra Ancha Wilderness. The project does not propose any new road construction within the project area.

My decision is also based upon consideration of the best available science. I have reviewed the project record, which shows thorough review of relevant scientific information, consideration of



responsible opposing views, and acknowledgement of incomplete or unavailable scientific information, scientific uncertainty, and risk.

## **IMPLEMENTATION**

Implementation of the selected alternative will occur under the authority of this Decision Notice, subject to the appropriate appeal and implementation procedures cited below.

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

## **ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES**

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215 and 36 CFR 251, Subpart C [for Term Grazing Permit holders only].

### **36 CFR Part 215 Appeal**

Only individuals or organizations who provided comment or otherwise expressed interest in the amended EA during the comment period may appeal. There were no comments or otherwise expressed interest in the amended EA during the comment period. This decision is not subject to appeal pursuant to 36 CFR 215.12; only pursuant to 36 CFR 251, Subpart C.

### **36 CFR Part 215 Appeal - for Term Grazing Permit Holders**

Relative to the issuance of the term grazing permit, a permittee may choose to appeal under the regulations listed at 36 CFR 251, Subpart C. The permittee must select which administrative review regulation (36 CFR **215** or **251**) he or she will opt to use. Both cannot be used for the same appealed decision. An appeal by the permittee under the *36 CFR 251* regulations must be filed simultaneously with:

Rita LaFord, Acting Forest Supervisor  
Tonto National Forest  
2324 East McDowell Road  
Phoenix, AZ 85006  
Fax: 602-225-5295

and with the Ranger District:

Donal Luhrsen, District Ranger  
Pleasant Valley Ranger District  
P.O. Box 450; Forest Road 63  
Young, AZ 85554

Such appeals must be filed within 45 days of the date of publication of the legal notice in the Payson Roundup.

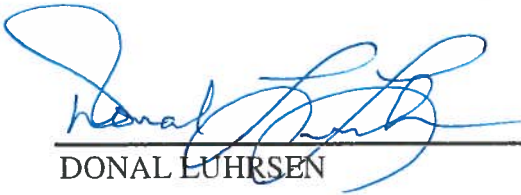
If no appeals are filed within the 45-day time period, implementation of the decision may occur



on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

## CONTACT

For additional information concerning this decision please contact: Donna Reed, District Range Staff; Pleasant Valley Ranger District; P.O. Box 450, Forest Road 63; Young, AZ 85554 and 928-462-4321.



DONAL LUHRSEN  
DISTRICT RANGER

February 24, 2012

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Cover Photo: Cherry-Frio Allotment, Looking Northwest to Cow Flats < Pete Davis >