

**Decision Notice &
Finding of No Significant Impact
for the
Bar X Allotment & Heber-Reno Sheep Driveway Grazing
Authorization**

USDA Forest Service
Payson and Pleasant Valley Ranger Districts
Tonto National Forest
Gila County, Arizona

Introduction

The Tonto National Forest has completed a National Environmental Policy Act (NEPA) review to authorize livestock grazing, implement selected management practices and construct range improvements on the Bar X and Heber-Reno Sheep Driveway. This project area is located on the Pleasant Valley Ranger District, northwest of Young, Arizona in Gila County.

The purpose of this action is to consider livestock grazing opportunities on public lands where consistent with management objectives. The Forest Plan identifies both Bar X and Driveway as suitable for domestic livestock. In addition, per FSH 2209.13, Chapter 90, section 92.22, the purpose of this action is to authorize livestock grazing in a manner consistent with direction to move ecosystems towards their desired conditions as described in the Forest Plan.

An environmental assessment (EA) has been prepared to determine whether the proposed action of authorizing continued livestock grazing would significantly affect the quality of the human environment and thereby require the preparation of an environmental impact statement to disclose the effects. Preparing the EA has fulfilled agency policy and direction to comply with the National Environmental Policy Act (NEPA). The EA documents the analysis of two alternatives; A) No Action/No Grazing and B) The Proposed Action to meet the purpose and need.

The existing Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Heber-Reno Sheep Driveway (February 2011), continues to authorize the use of the Driveway for sheep. This EA is strictly limited to the authorization of cattle grazing within the project area and does not in any way change any other existing authorizations for use of the Driveway.

Decision and Reasons for the Decision

Based upon my review and consideration of the alternatives and the impacts disclosed in the Bar X and Driveway EA, I have decided to approve the livestock grazing management strategy described under Alternative B (Proposed Action).

The Proposed Action continues to authorize livestock grazing on Bar X under updated terms and conditions. This includes the use of Colcord allotment and Turkey Peak pastures.

This decision authorizes grazing between 4,002- 9,250 Animal Unit months (AUMs) adult cattle year-long. This includes partial use of the Driveway (Lost Salt, Naegelin, McInturff, and Walnut Pastures). Actual authorized numbers will vary annually based on current resource conditions. Adult cattle may include cows with calves, non-lactating cows, or bulls. Additionally, up to 160 weaned calves (498 AUMs) up to 18 months of age (yearlings) would be authorized from January 1st through May 15th annually. Yearlings are the progeny of existing cattle on the allotment.

The Valentine Pasture will be granted to the current OW permittee. Yearly maximum authorized use will be up to 840 AUMs.

The Potato Butte pasture within the Heber-Reno Sheep Driveway is currently authorized for cattle use under the 2011 Decision Notice for the Driveway. Under that decision, capacity for use by cattle was not determined. This analysis provided an estimated capacity for cattle use within the entire Driveway, over and above the capacity for sheep disclosed in the 2011 Heber-Reno Sheep Driveway EA, including the Potato Butte pasture. Yearly maximum authorized use will be up to 145 AUMs.

Cline Mesa and Brady Canyon pastures will be granted to the current Solider Camp permittee. Yearly maximum authorized use will be up to 1345 AUMs (Cline Mesa) and 665 AUMs (Brady Canyon) year-long.

Grazing System

Bar X

One adult cattle herd with up to 160 weaned calves will graze all pastures within the allotment. The Forest Service may authorize the splitting of the herd in response to current resource conditions upon permittee request, to reduce impacts on resources. Additionally a ranch horse/mule herd (up to 20 riding/packing stock used for working the allotment) may be grazed throughout the year in traps and holding pastures. These animals will be counted towards total permitted AUMs.

Heber-Reno Sheep Driveway

Priority use of the Driveway is given to sheep that are currently permitted to use it. Cattle use on the Driveway will not impact the sheep permittee's ability to graze sheep on the Driveway. Forage excess of what is used by the sheep would be considered available for grazing by cattle. The Tonto National Forest and cattle grazing permittees will coordinate with the sheep permittee annually to determine planned use for the season. Adaptive management will be used to determine the length of time and the time of year cattle will graze within the driveway.

Common to Bar X and the Driveway

Grazing will occur through a rotational system, either deferred or rest-rotation grazing, which will allow plants the opportunity for growth or regrowth. Pasture use may be deferred in order to accomplish other resource goals related to fire, fuels and habitat in addition to recovery for grazing schedules. While some portions of the allotments are more suitable for winter use and others more for summer, the use of each pasture will vary within the appropriate season over time, in order to prevent the establishment of patterns of repeated use. Animals will be moved to the corresponding allotment once the pasture was grazed. The goal is to allow for complete deferment of individual pastures, for up to a year, periodically, based on site specific utilization and recovery. All pastures are available for grazing within the limits of forage availability and appropriate season of use based on current resource conditions.

Annual operating instructions will specify pasture rotation schedules each year and include timing, livestock numbers, and duration. A rotation schedule will be developed with the permittee and incorporated into the allotment management plan to provide an estimate of grazing schedules. This schedule can be altered annually and authorized in the Annual Operating Instructions by the District Ranger.

Using the Adaptive Management strategy, adjustments in numbers of livestock, class of livestock, pasture rotations and other modifications of grazing system management can be implemented at any time throughout the grazing season. This monitoring-based strategy allows the flexibility to continually modify the management of the grazing system to achieve specific objectives. When the monitoring included with Adaptive Management indicates that structural improvements or management actions are needed that have not been disclosed or analyzed in a previous environmental effect's analysis, an interdisciplinary review would be initiated. The review would provide the Deciding Official the information necessary to determine whether correction, supplementation or revision of the previous EA, if any, is required. (FSH 1909.15(18) and FSH 2209.13(92.23)(96.1)

Vegetation Utilization

Grazing will be managed to achieve long-term goals in pasture key areas and ensure allowable vegetation use thresholds are not exceeded.

VEGETATION	USE THRESHOLD
UPLAND HERBACEOUS	30-40 percent of current year's growth
UPLAND BROWSE	50 percent of current year's growth
RIPARIAN HERBACEOUS	Limited to 40 percent of plant species biomass and maintain 6 to 8 inches of stubble height of species on emergent such as sedges.
RIPARIAN WOODY	Limited to 50 percent of leaders browsed on upper one third of plants up to 6 feet tall

Improvements

Existing Structural Improvements

Maintenance of existing range improvements on the Bar X and Sheep Driveway will be assigned to the grazing permit holder. Not all current improvements are constructed or maintained to standards. As improvements are reconstructed, they will be rebuilt to new standards (i.e. wire spacing). Existing improvements do not need to be modified until reconstruction is needed.

Future Structural Improvements

Structural range improvements will be constructed in order to facilitate livestock distribution throughout the allotment and assist in achieving the desired conditions and management objectives. Future range improvements may need to have heritage resource surveys completed before authorized.

Additional Infrastructure

Additional infrastructure may be constructed if needed in the future.

Improvements may be constructed in the future in order to facilitate livestock distribution throughout the allotment and assist in achieving the desired conditions and management objectives. Examples of future improvements may include, but are not limited to:

- Additional pasture division fencing
- Holding trap development
- Stock drive development
- Livestock handling facilities development
- Spring development
- Exclosures
- Development of dirt tanks
- Development of additional pipelines and troughs
- Development of additional trick tanks and catchments
- Cattle guard
- Wildlife water development

All existing and new improvements will follow Forest Service direction. Most of the design features are taken from the Forest Service Structural Range Improvement Handbook or other Forest Service policy and Best Management Practices. If a new improvement needed in the future has not been previously disclosed or analyzed, an interdisciplinary review as presented in FSH 1909.15(18) would be conducted. Additionally, all improvement components (e.g., rusted out troughs, broken sections of pipe, wire etc.) replaced during maintenance or reconstruction will be removed from Forest and properly disposed of.

Other Alternatives Considered

In addition to the selected alternative, one other alternative was considered. A comparison of these alternatives can be found in the EA, Chapters 2 and 3. Under Chapter 90 regulations, a “No Grazing” alternative must be considered in any Range NEPA analysis.

Public Involvement and Scoping

The proposed action was listed in the Schedule of Proposed Actions and updated throughout the project. Prior to the final development of the Proposed Action analyzed in this EA, the Forest met with permittees and other local parties to identify and evaluate management objectives and strategies. The Purpose and Need and Proposed Action was listed in the Schedule of Proposed Actions on February 27th, 2019. The Payson/Pleasant Valley Ranger District began 30 days of public scoping on March 5th, 2019 with the publication of a legal notice in the *Payson Roundup* Newspaper. In addition to the Legal Notice, government agencies, Tribes, partner groups and individuals that in the past had expressed interest in Forest projects, were individually notified. Over 170 comments were received in response to individual contacts through posted letters and emails and the public notice in the *Payson Roundup* Newspaper. At the same time, the Forest consulted with eleven tribes with ancestral ties to lands now managed by Tonto National Forest.

On June 5th, 2019 the Draft Environmental Assessment for Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization was completed and made available for comment to State, Federal, Tribal Government agencies, professional organizations, multiple-use organizations, environmental organizations, non-government organizations, and individuals who responded to the Scoping and Preliminary Environmental Assessment. The public was also notified of the opportunity to comment through a legal notice published in the Newspaper (*Project Record*). Participants were provided 30 days to review and comment. Twenty-two responses were received during the comment period. All responses were reviewed and considered for the Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization Final Environmental Assessment.

The US Forest Service responses to comments received during the 30 day notice and comment period are located in the Project Record.

Finding of No Significant Impact

The following is a summary of the project analysis to determine significance, as defined by Forest Service Handbook 1909.15_05. "Significant" as used in NEPA requires consideration of both context and intensity of the expected project effects.

Context means that the significance of an action may be analyzed in several contexts (i.e. local regional, worldwide), and over short and long-time frames. For the Proposed Action and the No Grazing Alternative the context of the environmental effects is based on the analysis in the Final EA. The effects of this site-specific proposed action and the significance of the effects are limited to the local level. This project is limited in scope and duration. The project was designed to minimize environmental effects through adaptive management, mitigations and resource protection measures. For the proposed action and alternatives the context of the environmental impacts is based on the environmental analysis in the final EA.

Intensity refers to the severity of the expected project impacts and is based on information and analysis in Chapter 3 of the Final EA. Intensity is defined by the 10 factors identified in 40 CFR 1508.27(b). My finding of no significant impact is based on the context of the project and the results of the evaluation of effects using the 10 factors.

1) Impacts may be both beneficial and adverse. A significant impact may exist even if the Federal agency believes that on the balance the effects will be beneficial.

Both beneficial and adverse impacts were considered in the analysis as described in Chapter Three of the EA. Grazing as proposed will result in removal of herbaceous vegetation but will be limited to conservative levels in order to allow for the retention of litter and plant stubble to provide soil cover and wildlife habitat. Proposed range improvement infrastructure and monitoring identified will play a key role in meeting the purpose and need of this environmental assessment. Adaptive Management, the proposed range improvements and the re-authorization of cattle use within the Colcord allotment and Turkey Peak pastures on the Bar X allotment and Heber-Reno Sheep driveway will be utilized in a sustainable manner, while the increased capacity for grazing will provide additional rest to areas not being grazed.

My finding of no significant impact is neither the result of balancing beneficial and adverse impacts nor biased by beneficial impacts of the proposed action.

2) The degree to which the proposed action affects public health or safety.

Authorizing grazing and managing allotments, including the maintenance of range improvements, is of limited scope not expected to present hazards to workers or the public. Management practices are expected to be conducted in a safe manner that provide no additional risks. No significant impacts on public health and safety were identified.

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.

As identified in the heritage resources section of Chapter 3 of the Final EA, many historic resources and sites exist. The Proposed Action includes monitoring, management and mitigation practices to protect unique resources. The action will not adversely impact any resources considered to have unique characteristics.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

While there is some opposition to livestock grazing and other uses of public lands, this action is not controversial in the context of NEPA. Both before and during the scoping process, the Forest Service received letters from property owners voicing opposition to the re-authorization of grazing. These property owners do not want cattle to access their private property. This re-authorization is not controversial in the context of NEPA and existing state laws. The analysis reflects judgment and expertise of resource management professionals who have applied their knowledge to similar projects and are using best available science to support their conclusions. The management practices proposed are commonly used resource management practices described in agency directives, prescribed in the Forest Plan and used by other land management agencies.

The term “controversial” in this context refers to cases where substantial scientific dispute exists as to the size, nature, or effects of a major Federal action on some human environmental factor, rather than to public opposition of a proposed action. As such, the volume of opposition nor the language therein, does not constitute significance for this project. In addition, the effects of the proposed action on all the resources analyzed for this project in this EA are not likely to be controversial, since the proposed action has been generally been implemented on much of the Tonto National Forest and other national forest across the nation.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The Forest Service has considerable experience in implementing the activities proposed in this action. The environmental impacts are not uncertain for livestock grazing and management on Forest lands and no unique or unknown risk can be reasonably identified. The effects described in the EA are based on the judgment of experienced resource management professionals using the best available information and best available science.

6) The degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.

This action as detailed in Chapter 2 of the Final EA is unlikely to establish a precedent for future actions. All similar actions, with potential effects, will be analyzed through the NEPA process and will be independent of this site-specific action on the allotments.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Cumulative impacts are analyzed in Chapter 3 of the Final EA and disclosed for each resource area. These impacts were evaluated combining the impacts of the Proposed Action with other past, present and reasonably foreseeable future actions. Based on the information and analysis, no cumulatively significant impacts have been identified.

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 (NRHP) or may cause loss or destruction of significant cultural or historical resources.

The Proposed Action, presented in Chapter 2 of the Final EA, will have no adverse effect on districts, sites, highways, structures or other objects listed or eligible for listing in the NRHP. The

Archaeologist Specialist Report of 11/22/2019 (Project Record) concludes no adverse effect on historic properties and no effect on cultural resources. In the Heritage IS&A 2020 12 009 (Project Record), the Forest Archaeologist recommends clearance for the cattle-guard installation with monitoring as specified in the conditions. The SHPO has concurred with the Forest Archaeologist's recommendation and the Forest Supervisor has approved the clearance. In the Heritage IS&A 2020 12 004 (Project Record) the Forest Archaeologist recommends clearance for range improvements with additional comments in the conditions concerning the use of NRHP eligible historic roads. The SHPO has concurred with the Forest Archaeologist's recommendations and the Forest Supervisor has approved the clearance. While many historic/cultural sites exist on the allotments, monitoring, mitigation measures and management practices that are part of the Proposed Action and conditions of concurrence will protect the sites and resources.

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.

A Biological Evaluation (Wildlife Specialist Report) and Biological Assessment, (*Project Record*) have been completed for this NEPA analysis. Conservation measures were built into the Proposed Action to minimize impacts to federally listed species. The Tonto National Forest initiated formal consultation with US Fish and Wildlife Service on this project. During consultation, the U.S. Fish and Wildlife Service (Service) drafted a biological opinion and concurrence which was received on August 5th, 2019 (Cons. # 02EAAZ00-2019-F-0249). In the biological opinion and concurrence, the Service concurred with determinations that the Proposed Action "may affect and is likely to adversely affect" the threatened Chiricahua leopard frog (*Lithobates [Rana] chiricahuensis*) and the threatened Gila trout (*Oncorhynchus gilae*). The Service also concurred with determinations that the proposed action "may affect but is not likely to adversely affect" the threatened Mexican spotted owl (*Strix occidentalis lucida*) and its designated critical habitat, the narrow-headed gartersnake (*Thamnophis eques megalops*) and its proposed critical habitat, and endangered spikedace designated critical habitat. The Service also concurred that the Proposed Action is "not likely to jeopardize the continued existence" of the experimental nonessential Mexican wolf (*Canis lupus baileyi*).

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The Proposed Action is consistent with the Tonto National Forest Plan of 1985, National Forest Management Act, Clean Water Act, Endangered Species Act, National Environmental Policy Act and other laws and requirements with which the Forest Service must comply. The Final EA has considered all applicable laws and regulations for the protection of the environment and the proposed action will not violate any of these laws or requirements.

Conclusion

As the responsible official, I am responsible for evaluating the effects of the project relative to the definition of significance established by CEQ Regulations (40 CFR 1508.13). I have reviewed the project record and specialist reports and after considering the environmental impacts described in the EA, I have determined that The Proposed Action, (Alternative B) will not have significant effects 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.

Findings Required by Other Laws and Regulations

National Forest Management Act (NFMA)

This decision to implement Alternative B that will authorize livestock grazing on Bar X allotment under updated terms and conditions and authorization to graze cattle again on the Heber-Reno Sheep Driveway is consistent with the intent of the Forest Plan's long-term goals and objectives. The project was designed in conformance with land and resource management plan standards and incorporates appropriate land and resource management plan guidelines for prescriptions and emphasis in Management Areas 5G, 5D, and 5B.

Administrative Review and Objection Rights

The analysis for the preparation of this Decision Notice and Finding of No Significant Impacts was conducted and completed under the authority of the Project-level Pre-decisional Administrative Review Process per 36 CFR 218, Subparts A and B.

On September 13, 2019, the legal notice for the beginning of the 45 day objection period for the Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization Project was posted in the *Payson Roundup* Newspaper. The notice was also provided to individuals and entities that had previously commented on the proposed project and/or expressed interest in the planning of this project. In this notice, the public was notified that a draft decision was made based on the environmental assessment conducted for the project and following the pre-decisional objection process, 10 objections were received that met the requirements of Forest Service regulation 36 CFR 218. The final written response was issued by the Forest Supervisor on December 12, 2019.

Implementation

Implementation of the proposed action will occur as described and may begin immediately upon signature.

For further information concerning the Bar X Allotment & Heber-Reno Sheep Driveway Grazing Authorization, contact Jeff Sturla (jeffrey.sturla@usda.gov) during normal business hours.



12/13/2019

Debbie Cress
District Ranger
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Tonto National Forest

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