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**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT**  
**BONEYBACK GRAZING ALLOTMENT**  
**U.S. FOREST SERVICE**  
**TONTO NATIONAL FOREST**  
**TONTO BASIN RANGER DISTRICT**  
**ROOSEVELT, ARIZONA**

**DECISION**

A decision from this Environmental Assessment was originally submitted in September 2012. Following the decision, two appeals were received and reviewed by a Forest Service Region 3 appeals review team. The decision was returned to the Tonto National Forest and subsequently reversed by the Forest Supervisor with a request for clarification on the cumulative effects to sensitive wildlife species which were not adequately addressed. As a result, additional information was added to the EA in Chapter 3 under the wildlife section, pages 35-51 and in Appendix B to include cumulative effects to sensitive wildlife species. Concurrence with determinations for threatened, endangered, and sensitive species was received from US Fish and Wildlife Service on September 4, 2012, prior to the original decision.

Based upon my review of the Boneyback Allotment Environmental Assessment (EA) and the additional information that has been included to address cumulative effects to sensitive wildlife species, I have decided that the additional information has not warranted a change in my decision and again choose to implement Alternative 2, the Proposed Action, which will allow for up to 101 head of adult cattle (bulls, cows, cow/calf pairs) yearlong and up to 70 yearlings seasonally on Boneyback Allotment. Grazing will be conducted using a deferred rotation plan to allow periodic rest for perennial grasses. Adaptive management techniques (described below) will allow adjustments to grazing rotation and numbers as needed to address variable climatic conditions, annual forage production, and fire events.

Authorization of grazing and proposed management practices were described in the Boneyback Allotment Environmental Assessment (2013). The EA was conducted in compliance with the National Environmental Policy Act (NEPA). The EA analyzes and discloses effects of a No Grazing Alternative and the Proposed Action to continue grazing on Boneyback Allotment. It also described specific mitigation and monitoring requirements that will be implemented as part of the selected action. The EA is available for review at the Tonto Basin Ranger District office in Roosevelt, Arizona.

**DECISION RATIONALE**

**1. Authorization**

The selected action will authorize managed livestock grazing under the following terms and conditions:

**Duration and timing of grazing:** Use on the allotment will be authorized yearlong using a deferred rest rotation grazing strategy to ensure that each pasture receives periodic rest. Use on the allotment may be seasonal in drought years when forage and water availability is limited.

Sequence and timing of pasture moves will be set annually and adjusted through the use period based on monitoring of range readiness, ecological condition, and grazing impacts. If conservative use levels are reached before schedule move dates, livestock will be moved to the next scheduled pasture. If all pastures have been utilized before the end of the grazing season, livestock may be removed from the allotment until the start of the next grazing season.

**Intensity of grazing:** Forage utilization will be managed at a level corresponding to light to conservative intensity in order to provide for grazed plant recovery, increases in herbage production and retention of herbaceous litter to protect soils. Consistent patterns of utilization in excess of moderate intensity will be used as a basis to modify management practices or reduce livestock numbers in subsequent grazing years.

Riparian vegetation available in key reaches would be monitored using riparian utilization measurements (implementation monitoring) following the Interagency Technical Reference (1996), Cowley and Burton (2005), MIM (Burton 2011) or the most current acceptable method. Use guidelines are as follows: *obligate riparian tree species* – limit use to < 50% of terminal leaders (top 1/3 of plant) on palatable riparian tree species accessible to livestock (usually < 6 feet tall); *deergrass* – limit use to < 40% of plant species biomass; *emergent species* (rushes, sedges, cat-tails, horse-tails) – maintain six to eight inches of stubble height during the grazing period; *stream banks* – limit use to < 20% of alterable banks where stream banks are present or forming. The goal of the deergrass utilization guideline is primarily to provide residual vegetation for stream channel protection, and secondarily to protect plant vigor. Emergent vegetation is supported by perennial surface or subsurface water, and has high potential for regrowth following grazing. The goal of the emergent species guideline is to provide physical protection to the stream channel.

**Administrative actions necessary to implement the decision:** The following administrative actions will be used to implement the NEPA-based decision to authorize grazing.

- **Permit Issuance** A new term grazing permit will be issued for the allotment for up to 101 head of cattle (bulls, cows, cow/calf pairs) yearlong and up to 70 yearlings seasonally.
- **Allotment Management Plan (AMP)** A new allotment management plan will be developed for the Allotment and will become Part 3 of any grazing permits issued under the proposed action. The AMP will identify specific goals and objectives of management, management strategies, range improvements, and monitoring requirements. The AMP will incorporate an adaptive management strategy to identify numbers of

livestock, pasture rotations, and the length of time animals will graze on the allotment annually based on resource conditions and management objectives for the allotment.

- **Annual Operating Instructions (AOI)** The Tonto Basin Ranger District will prepare annual operating instructions each year in cooperation with the permittee. Those instructions will include annual numbers and class of livestock, timing and duration of use for the year, pasture rotation schedule, monitoring criteria, structural and non-structural improvements to be constructed or maintained, and utilization standards.

## 2. Improvements

Exact location of fences will be determined by the Forest Service in cooperation with the permittee and subject to archaeological clearance prior to construction. Additional fencing and water developments may be necessary over time if livestock distribution becomes an issue. All fences will be constructed to Forest Service standards.

## 3. Management Practices

Management practices include measures to reduce or avoid resource impacts that may result from this decision. These measures have been used in previous decisions and have been found to be effective at reducing potential negative environmental impacts. They are consistent with applicable LMP standards and guidelines and the terms, conditions, and conservation measures of the Biological Assessment completed for the allotment. Implementation of these practices in combination with adaptive management strategies is intended to avoid adverse environmental impacts.

- **Soil, Water and Vegetation** The objective is to mitigate effects of livestock grazing and facility construction through the use of Best Management Practices (FSH 2509.22) and adaptive management. Practices include, but are not limited to, the following:
  - Utilization of key upland herbaceous forage species will be managed to achieve the goal of light to conservative grazing. The objective is to protect plant vigor, provide herbaceous residue for soil protection, and to increase the herbage producing ability of forage plants. A utilization guideline of 30-40% use of key species will be used to achieve this objective. Use of browse species and annual forbs and grasses will be limited to not more than 50% of current year's growth.
  - Practices to achieve proper distribution will be implemented, including herding, salting, and water distribution. Salt or other supplements will be placed no closer than  $\frac{1}{4}$  to water and those locations will be moved annually. Hay or bulk feed is not allowed on Forest lands.
- **Wildlife** The objective is to mitigate impacts to wildlife from livestock grazing and from disturbance associated with the construction of range facilities.
  - All water troughs will include wildlife access and escape ramps.
  - The location of all proposed structural range improvements will be surveyed for threatened, endangered, or sensitive species prior to any ground-disturbing

activities. Facilities will be designed and constructed to have no adverse effects on listed species.

- Light to conservative utilization will be implemented across the allotment to protect the watershed and minimize potential downstream effects.
  - Use of adaptive management planning will ensure effects to the Tonto Creek watershed and southwest willow flycatcher habitat will be insignificant and discountable (USFWS 2012).
  - Terrain will continue to naturally limit or exclude livestock from designated spikedace critical habitat. A combination of fair to good range conditions paired with monitoring will enable the Forest Service to determine if the selected action will result in any unanticipated effects to critical habitat (USFWS 2012).
  - The Forest Service commits to using adaptive management and will amend intensity, timing, numbers, frequency, and/ or duration if undesirable impacts occur (USFWS 2012).
  - The Forest Service will analyze any future water developments separately and address potential for developments to spread nonnative aquatic species at that time (USFWS 2012).
  - The Forest Service will strive to implement recommended conservation measures to aggressively manage harmful nonnative species such as bullfrogs, crayfish, and spiny-rayed nonnative fish in Greenback Creek (USFWS 2012) to benefit Northern Mexican garter snakes.
- **Riparian Resources** The objective is to minimize potential negative impacts to riparian areas and associated upland which provide important wildlife habitat and watershed stability. If uneven livestock distribution results in a pattern of excessive riparian use, access to Greenback Creek may be excluded or limited through fencing or seasonal (winter) use.

Livestock access to and use of Oak Creek is limited by water gaps and available water. Use of this reach will be monitored for presence of livestock and presence of emerging vegetation. If it is determined that emerging riparian vegetation is being inhibited by livestock use, seasonal use of the area may be prescribed to allow vegetation to establish.

- **Heritage Resources** The objective is to protect historic and prehistoric heritage sites from impacts caused by range improvement projects or livestock concentration. Before any new range improvements are constructed, an archaeological survey by certified personnel will be conducted to determine the presence or absence of any sites. The survey must then be approved by the Forest Archaeologist before implementation of the project. If it is determined that a site exists, the improvement must be located in such a

way that it does not affect the site. No salting will occur within or adjacent to identified heritage sites.

**4. Monitoring** The objective of monitoring is to determine whether management is being properly implemented and whether the actions are effective at achieving or moving toward desired conditions. Monitoring described below can occur throughout the grazing year and be conducted by Forest personnel in collaboration with grazing permittees and other Federal and State specialists.

Effectiveness monitoring includes measurements to track condition and trend of upland and riparian vegetation, soil, and watersheds. Monitoring would be implemented following procedures described in the Interagency Technical Reference and the Region 3 Rangeland Analysis and Training Guide. These data are interpreted to determine whether management is achieving desired resource conditions, whether changes in resource condition are related to management, and to determine whether modifications in management are necessary. Effectiveness monitoring would occur at least once over the ten-year term of the grazing authorization, or more frequently if deemed necessary.

Implementation monitoring would occur at any time during the grazing year and would include such things as inspection reports, forage utilization measurements, livestock counts and facilities inspections. Utilization measurements are made following procedures found in the Interagency Technical Reference and with consideration of Principles of Obtaining and Interpreting Utilization Data on Southwest Rangelands.

Key areas are described in “Sampling Vegetation Attributes” (Interagency Technical Reference, 1996) as indicator areas that are able to reflect what is happening on a larger area as a result of on-the-ground management actions. A key area should be a representative sample of a large stratum, such as a pasture, grazing allotment, wildlife habitat area, herd management area, watershed area, etc., depending on the management objectives being addressed by the study. Proper selection of key areas requires appropriate stratification.

While monitoring techniques as described above would be conducted in key areas, these would not be the sole locations for gathering information from the grazing allotment to make decisions about the timing, intensity, duration, or frequency of livestock grazing in a given grazing season. The overall condition of the allotment and such things as distribution patterns or rangeland improvement conditions could be assessed at any given time to help make those decisions.

The permittee will be encouraged to participate in all monitoring activities. Records of actual use and movement dates will be kept by the permittee and provided to the District range staff at the annual authorization meeting each year.

### **Adaptive Management**

The proposed action would implement the use of adaptive management as described in FSH 2209.13, Ch. 90. Adaptive management uses monitoring results to continually modify management in order to achieve specific objectives. The proposed action and grazing

alternatives will provide sufficient flexibility to adapt management to changing circumstances. If monitoring indicates that desired resource conditions are not being achieved, adaptive management would be used to modify range management strategies. Such changes may include annual administrative decisions to adjust the specific number of livestock, specific dates for grazing, class of animal or pasture rotations. These changes would not exceed the limits for timing, intensity, duration and frequency as defined in the term grazing permit. Adaptive management would be implemented through annual operating instructions, which would adjust livestock numbers and the timing of grazing so that use is consistent with current productivity and capacity and is meeting management objectives.

Adaptive management also includes monitoring to determine whether identified structural improvements are necessary or need to be modified. In the case that changing circumstances require physical improvements or management actions not disclosed or analyzed herein, further interdisciplinary review would occur. The review would consider the changed circumstances and site-specific environmental effects of the improvements in the context of the overall project. Based on the results of the interdisciplinary review, the District Ranger would determine whether correction, supplementation or revision of the EA is necessary in accordance with Forest Service policy or whether further analysis under NEPA is required.

## Reasons for the Selection

The selected alternative best meets the purpose and need and achieves desired conditions in the following ways:

1. The selected alternative is consistent with the management objectives and direction for Management Area 6J as identified in the Tonto National Forest Land Management Plan.
2. The selected alternative best achieves the mission of the Tonto National Forest Land Management Plan by providing a quality opportunity to graze domestic livestock while continuing to provide for other multiple uses, including wildlife and fish habitat and healthy ecosystems through conservative grazing strategies and adaptive management.
3. The selected alternative provides for the maintenance and addition of range improvements to improve livestock distribution and provide water to wildlife. Improved livestock distribution will help increase vegetative cover to protect soils and watershed health.
4. The selected alternative will provide an adaptive management framework that will allow the Forest and grazing permittee to adapt management to changing resource conditions.

The No Grazing Alternative was not selected because it does not meet the mission of the Forest Service or the intent of the Tonto National Forest Land Management Plan as described above (1 and 2).

The Boneyback EA documents the environmental analysis and conclusions upon which this decision is based.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Tonto National Forest Schedule of Proposed Actions and updated periodically during the analysis. People were invited to review and comment on the proposal through mailing of a scoping letter, publication of scoping notice and opportunity to comment in the Payson RoundUp, and mailing of the draft EA and publication of legal notice to comment in the Payson RoundUp. The EA lists agencies and people consulted on pages 52-53. The permittee was granted Applicant Status with US Fish and Wildlife Service to comment on the draft Biological Assessment.

Scoping comments were used to identify issues and determine if development of alternatives was needed. Comments received for the draft EA were reviewed to determine if issues had been addressed or clarification was needed before the draft EA was finalized.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the Tonto National Forest Land Management Plan. The project was designed in conformance with goals and objectives for rangelands, wildlife, riparian areas, fire management, soils, and water programs on the Forest.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

1. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. No significant effects on public health and safety were identified. The scope of the grazing authorization is limited to the implementation of managed livestock grazing and installation and maintenance of structural range improvements using hand techniques or light equipment. These actions are not expected to present significant hazards to workers or the public.
3. There are no known unique characteristics associated with the allotment. The project will not adversely affect parks, prime farm lands, wetlands, wild and scenic rivers, or other resources considered to have unique characteristics (see EA, Chapter 3).
4. The effects on the quality of the human environment are not likely to be highly controversial. The environmental analysis process has documented expected environmental effects from the proposed action and alternatives. These effects were discussed in Chapter 3 of the EA, and the proposed action has been designed and mitigated to address issues raised. The analysis reflects the judgment and expertise of resource management professionals who have applied their knowledge to similar projects and are using the best available science to support their conclusions. Management practices proposed are commonly used practices as described in agency directives (both Forest Service as well as other land management agencies) and in the objectives of the Tonto National Forest LMP. While some members of the public are opposed to public lands livestock grazing, this action is not highly controversial within the context of the National Environmental Policy Act.

5. The Forest Service as an agency has considerable experience with the types of activities to be implemented, specifically livestock grazing and management on Forest lands. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (see EA, Chapter 3).
6. The action is not likely to establish a precedent for future actions with significant effects. All future actions will be analyzed through the NEPA process and be independent of the specific nature of this action on the allotment.
7. Cumulative effects of the action were analyzed in the EA and are described in Chapter 3. They were determined not to be significant.
8. The action will have no significant adverse effects on districts, sites, highways, structures or other objects listed in or eligible for listing in the National Register of Historic Places (Chapter 3). The action will also not cause loss or destruction of significant scientific, cultural, or historical resources. While numerous historic and prehistoric sites exist on the allotment, mitigation measures for structural improvements and management practices will ensure that those sites are not significantly impacted by livestock grazing or associated practices on the allotment.
9. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (Chapter 3). Informal consultation with the US Fish and Wildlife Service has resulted in concurrence with this conclusion (9/4/2012). Management practices have been incorporated into the action to avoid effects to listed species (see pages 3-4).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. All applicable laws and regulations were considered in the EA. The action is consistent with the Tonto National Forest Land Management Plan (see EA, Chapter 1).

### **ADMINISTRATIVE REVIEW (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.

Appeals must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer. Submit appeals to: Appeal Deciding Officer, Neil Bosworth, Forest Supervisor; Tonto NF Supervisor's Office; 2324 East McDowell Road; Phoenix, AZ 85006; (602) 225-5295 (fax). 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](mailto:appeals-southwestern-tonto@fs.fed.us) with .doc, .rtf, .pdf, or .txt formats only. The appeal must have an identifiable name attached or verification of identity will be required. Names and addresses of appellants will become part of the public record. 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. 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.

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.

The permittee or eligible applicant may appeal this decision under 36 CFR 251. A Notice of Appeal must be consistent with 36 CFR 251.90 and **filed simultaneously** with the Appeal Reviewing Officer and Deciding Officer within 45 days from the date of this decision. 251 Appeals should be sent to: Appeal Reviewing Officer Neil Bosworth, *at the address or e-mail inbox listed above*, **and** Project Deciding Officer Kelly Jardine, at 28079 North Arizona Highway 188; Roosevelt, AZ 85545. The Deciding Officer is willing to meet with permit applicants or holders to hear and discuss any concerns or issues related to this decision. This decision may be implemented during an appeal unless the Reviewing Officer grants a stay under 251.91.

### **IMPLEMENTATION DATE**

If no appeals are filed within the 45-day time period following publication of this decision, implementation 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, contact: Kelly Jardine, District Ranger; Tonto Basin Ranger District at (928) 467-3200.

  
KELLY L. JARDINE  
District Ranger

  
Date



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