

DECISION NOTICE  
and  
FINDING OF NO SIGNIFICANT IMPACT  
for  
Term Grazing Permit Issuance  
for the  
Brown Springs Allotment

USDA Forest Service  
Southwestern Region  
Prescott National Forest  
Verde Ranger District  
Yavapai County, Arizona

An Environmental Assessment (EA) that discusses the proposed management of areas currently covered by the Brown Springs Grazing Allotment is available for public review at the Forest Supervisor's Office at 344 South Cortez Street, Prescott, Arizona. The EA and supporting project record are available for public review at the Verde Ranger Station, 300 East Highway 260, Camp Verde, Arizona.

To receive a copy of the EA, contact the Verde Ranger District, phone (520)567-4121. Please indicate your name, address, and allotment of interest.

The allotment is located 6 miles south of Camp Verde, AZ. Total acreage is about 16,044 acres. Cover types are chaparral and woodland. Elevation ranges from 2,800 at the Verde River to 6,200 at the Verde Rim and Tule Mesa. Notable physical features of the allotment or the immediate area include the Verde River and the Cedar Bench Wilderness.

The allotment is currently under permit to William R. and Marilyn J. Fix. The permit is for 170 head of cattle and 6 horses for 12 months each year. The current permit expires 12-31-95. The current permittee has applied for a new permit with the same numbers and seasons as those on the current permit.

Between the time of the pre-decision mailing and this Decision Notice, the Chief of the Forest Service directed that permit-issuance decisions be made by the Forest Supervisor rather than the District Ranger. The decision to be made by the Forest Supervisor includes:

1. Whether grazing is appropriate.
2. Whether or not to issue a new term grazing permit and for what term length.
3. If a new permit is issued, the type, level, and intensity of grazing that will be authorized.
4. If a new permit is issued, what terms and conditions to add beyond those specified in standard national and regional direction.
5. If any range structures will be required and who will pay for them.

DECISION

Based on the site-specific analysis and supporting project record, I have decided to select Alternative A, with modifications, hereafter known as the "selected alternative." It will include:

1. Issuance of a new term grazing permit for 10 years.

2. No change from current permitted number of livestock, season of use, and grazing management strategy: 170 cattle yearlong, 6 horses yearlong, 3-pasture rest-rotation grazing system.
3. Additional terms and conditions to the grazing permit including water rights, riparian woody-species utilization limits, and use of salt or supplement (EA Appendix A). The AMP will remain a term and condition to the grazing permit as stated in Part 2, Section 8(a), of form FS-2200-10: Term Grazing Permit. Consequences to the permittee of exceeding limits or failing to follow such terms and conditions will be included.
4. A site-specific monitoring plan will be developed (EA Appendix B) and added to the AMP.
5. No range structures will be constructed at this time. Alternative A (unmodified), as described in the EA (page 4), includes two fencing projects. These projects have been dropped from the selected alternative due to timing/procedural problems. They are desirable however, and are included as foreseeable future projects in the EA Appendix C. The archeological survey report has been filed with the State Historic Preservation Officer for the Brown Spring Archeological Site fence. Once archeological clearance is completed, NEPA analysis of these structural improvement projects would commence. The maintenance items identified in Alternative A do not require further NEPA analysis as maintenance of range improvements is assigned to the permittee as a term and condition of a grazing permit. Archeological clearance must be obtained prior to ground disturbing project work, however.

#### ALTERNATIVES CONSIDERED

Alternative B would issue no term grazing permit. No new improvements would be constructed. Maintenance of most structural range improvements could be reassigned to the Forest Service of neighboring grazing permittees. There would be no need for updating the AMP. Monitoring would continue however, and would focus on ecological condition and trend, wildlife habitat, wilderness, and the influencing factors present in the area.

#### REASONS FOR THE DECISION

The Environmental Assessment lists effects of each alternative in more detail. Using the EFFECTS section and public comments, I selected Alternative A, with modifications. My rationale for selection follows.

The selected alternative will move riparian conditions upward (EA, pg 5).

No adverse effect to threatened, endangered, or sensitive species is likely (EA, pg 5-6; PR 66). Monitoring plans will include specifics regarding habitat for such species.

Between one and two jobs will be maintained. Yavapai County will continue to receive roughly \$850 annually from the collection of grazing fees (EA, pg 6).

When considered in the context of other forest uses and impacts, cumulative impacts will be beneficial due to continued upward trends in uplands and riparian areas. Cumulative economic impacts will be negligible (EA, pg 6-7).

## PUBLIC PARTICIPATION

The District Ranger gave the permittee and other members of the public several chances for comments during the analysis. Communication with both opponents and proponents of grazing permits is an ongoing process. Formal Forest Service efforts to involve the public in this specific project began in spring, 1995 with an updated list of planned Prescott National Forest projects mailed to about 800 potentially interested and affected parties (PR 0). Parties on the "Quarterly NEPA Schedule of Proposed Actions" mailing list, grazing permittees, and other interested parties were included. Follow-up mailings went to those who expressed an interest (PR 1).

On May 9, 1995, the District Ranger described the proposed action and mailed it to those expressing an interest (PR 1). A number of individuals and organizations responded verbally and/or in writing (PR 3b, 4, 7, 8, 9, 14, 16, 17d, 19, 29, 35, 41). All comments are filed in the project record. The Forest Service Interdisciplinary (ID) Team advised the District Ranger on issues needing analysis (PR 18). The Ranger made the decision on which issues were needed to make a reasoned decision between the proposed action and alternative management. Issues compared and analyzed in the Horner Mountain EA include:

- Livestock effect on threatened, endangered, and sensitive species
- Riparian condition and trend
- Economic considerations
- Cumulative effects

The ID Team used public and internal comments. These ideas are reflected in the alternatives or addressed in separate documents in the Project Record (PR 28, 31, 34). Several comments requested analysis items which are required by NEPA, such as the effect on vegetation, wildlife, and wilderness. Determining grazing suitability and incorporating monitoring plans were often requested. Economics was a common concern. Points raised by the public that are within the narrow scope of this analysis were carried forward in the development of alternatives and environmental analysis.

Following environmental analysis and preparation of the Environmental Assessment, the District Ranger prepared a "pre-decision" letter and sent it with a copy of the EA to interested parties for comment (PR 36, 37). Legal notice was published in the Daily Courier and in the (Camp Verde) Bugle on July 28, 1995 (PR 38). Roughly the same people and organizations responded as before with similar comments as before (PR 43, 45, 46, 47, 48, 49, 52, 54, 56, 58, 59, 60, 61).

Extensive comments were received from several groups or individuals asking for extremely detailed analyses of environmental, economic, and social effects of issuing permits. The comments are filed in the Project Record. The response to these comments is in EA Appendix C. A number of comments asked for items beyond the scope of the analysis, that is, items not needed by the responsible official to make a reasoned choice between alternatives. The few allotment-specific comments also have a response. Some comments resulted in additional information being provided in the project record and appendices.

## FINDING OF NO SIGNIFICANT IMPACT

In order to decide if there are impacts which are individually or collectively significant in context or intensity, I evaluated the selected alternative in relation to its reasonably expected impacts. These evaluation criteria are found in 40 CFR 1508.27 and highlighted below. CFR = Code of Federal Regulations.

The context of the reasonably expected impacts of a project on the environment can affect the significance of those impacts. The criteria or points of significance that need to be considered to measure the effects of a project on the environment were reviewed by the ID team in the context of society as a whole, the affected region, the affected interests, and the locality. Based on the analysis of alternatives, this project does not have significant effects with respect to these points. The rationale is discussed in the following paragraphs.

The area covered by the Brown Springs Allotment is approximately 16,044 acres. The selected alternative consists of a three-pasture rest-rotation system, which is appropriate given the low grazing suitability of the allotment (PR 34). The context of the action is comparable to many projects evaluated on public lands. The ID team's analysis indicates the action will have negligible effects. The effects of this decision are largely limited to the immediate vicinity of the Prescott National Forest.

Communication with the public and other agencies did not indicate region-wide or nationwide interest in the specific proposal for the @ Allotment.

Intensity of the reasonably expected impacts of a project on the environment were also considered for their significance. Impacts are described using the outline provided in 40 CFR 1508.27.

1. **Impacts may be both beneficial and adverse.** Significant effects are not predicted. Riparian and upland habitat will generally be improved or held stable by requiring moves of livestock or intensified management when proper-use utilization levels in key areas have been met.
2. **The degree to which the selected alternative will affect public health or safety.** Health and safety were not judged to be major issues on this project. These are ongoing projects with no unusual health and safety issues.
3. **Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.** No park lands, prime farm lands, wetlands, or ecologically critical areas, except those implied in 9 below, were identified during the analysis. A portion of the Verde River was designated Wild and Scenic on August 28, 1984. That designation recognized existing characteristics suitable for the wild and scenic classification. The selected alternative will not alter any characteristic of land and physical resources vital to the wild and scenic designation. A review of cultural and historic records indicates that known sites will not be significantly impacted by livestock grazing under the selected alternative (PR 42). The required 30-day comment period for SHPO review and concurrence has passed with no concerns indicated.
4. **The degree to which the effect on the quality of the human environment are likely to be highly controversial.** Controversy exists regarding the choice of alternative. However, the effects themselves are not highly controversial. The effects on quality of the human environment are adequately enough understood by the ID team to provide analysis for the decision. The effects of grazing are ongoing and thus readily observable by the ID team, the permittee, and the public. Effects of alternatives are disclosed in the Effects Section of the EA. Effects of current operations are described in recent allotment inspections (PR 67).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. The selected alternative is not unique or unusual. The Forest Service has experience in implementing and monitoring similar projects in similar areas and has found effects to be reasonably predictable. There are no effects resulting from the selected alternative which should be classified as highly uncertain or involving unique or unknown risks.
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 selected alternative does not foreclose any options for other projects in the area. Permit issuance now does not require issuance of a future permit. It does not guarantee continued grazing under the proposed permit. It does not guarantee full usage of the permitted number of livestock, season of use, or 10-year term. These conditions of the permit may be changed by the Forest Service, based on monitoring.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The ID team evaluated the selected alternative in the context of adjacent areas and factors. Other ongoing uses and foreseeable future projects were considered relative to the cumulative effects of issuing a grazing permit on the Brown Springs Allotment (EA, pg 6-7). Although the beneficial environmental effects associated with the selected alternative may later be expanded to adjacent allotments, no significant cumulative effects are expected.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in 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 selected alternative has had heritage clearance. With the implementation of follow-up activities, sites will be avoided or actions mitigated so as to have no effect on heritage 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 Assessment and Evaluation for endangered and candidate species was conducted by a qualified biologist. It was determined that the selected alternative is not likely to jeopardize the continued existence of the Colorado squawfish or result in the destruction or adverse modification of proposed critical habitat. It was determined that the selected alternative will have no effect or will not likely adversely affect all other endangered species. Determinations of no impact or not likely to result in a trend toward federal listing or loss of viability were made for the candidate species (PR 66). The US Fish and Wildlife Service participated in the scoping and analysis process (PR 0, 5).
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The selected alternative does not violate any laws. The project record includes discussion of the Endangered Species Act of 1973, the Wilderness Act, National Historic Preservation Act, and the Clean Water Act (31). When considered in concert with monitoring requirements, the selected alternative's actions are consistent with management direction in the Prescott National Forest Plan (FLMP). The selected alternative sets the stage for making progress toward meeting standards and guidelines of the Plan. State, local, and tribal interests participated in the process (1, 15, 24, 25, 29, 30, 45, 54, 55, 57).

Based on this review, I have determined that the selected alternative will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, an Environmental Impact Statement (EIS) is not needed.

#### IMPLEMENTATION

This decision will not be implemented sooner than five calendar days from the close of the appeal filing period. The appeal filing period ends 45 calendar days after publication of the legal notice of decision in the Daily Courier, a daily newspaper published in Prescott, Arizona.

If an appeal is filed, implementation will not occur for 15 days following the date of disposition of all appeals.

#### APPEAL OPPORTUNITIES

This decision is subject to appeal by the public in accordance with 36 CFR 215.7 or by the permittee or holders of like permits in accordance with 36 CFR 251 subpart C. Those eligible to appeal under 36 CFR 251 subpart C may appeal under either 36 CFR 215.7 or 36 CFR 251 subpart C, but not under both.

Any written appeal must be postmarked or received by the Appeal Deciding Officer, Charles W. Cartwright Jr., Southwestern Regional Forester, 517 Gold Avenue SW, Albuquerque, New Mexico, USA 87102 within 45 days of the date of the publication of the legal notice of decision in the Daily Courier.

Appeals must meet content requirements of 36 CFR 215.14 or 36 CFR 251.

#### CONTACT PERSON

For additional information concerning this decision or the Forest Service appeal process, please contact Mindee Roth, Verde Ranger Station, PO Box 670, Camp Verde, AZ 86322, telephone (520)567-4121.

Approved by:

  
Coy G. Jemmett, Forest Supervisor  
Responsible Official

15 Sep 95  
Date